tion of alcoholic liquors in the Unted States for the duration of the war; to the Committee on the Judiciary.

5815. Also, petition of Mrs. James Mitchell and 120 other citizens of Detroit, Mich., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5816. Also, petition of Elsie L. Goss and 80 other citizens of Santa Ana, Calif., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation f alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5817. Also, petition of 1,061 members of the Woman's Christian Temperance Union of Philadelphia, Pa., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5818. By Mr. LECOMPTE: Petition of Mrs. J. E. Blanke and other citizens of Oskaloosa, New Sharon, University Park, and Fremont, Iowa, in the interest of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5819. By Mr. PLOESER: Petition of Walter Obermoeller, commander of the American Legion Anheuser-Busch, Inc., Post, No. 299, and approximately 750 petitioners of St. Louis, Mo., protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

5820. By the SPEAKER: Petition of sundry real estate firms of New York City petitioning consideration of their resolution with reference to the inequalities of the rent-control section of the present Emergency Price Control Act; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, JUNE 7, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, who art the supreme ruler of the universe, grant that during this day our minds may be illuminated with the truth and wisdom which cometh from above.

We pray that Thou wilt create within our hearts those desires which Thou dost delight to satisfy and that in all our plans and purposes we may hold our own wishes in suspense until Thou dost declare Thy will. May we daily place our hands in Thine and heed Thy voice saying unto us, "This is the way, walk ye therein," for Thy ways are ways of pleasantness and Thy paths are paths of peace.

We humbly beseech Thee to grant the blessings of Thy presence and power to all who are now battling so courageously for the freedom of the world. May these days of liberation symbolize the coming of that blessed day of prediction when the spirit of man shall be too strong for chains and too large for imprisonment and all men everywhere shall be brought into the glorious liberty of the sons of God.

Hear us in our Redeemer's name. Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 6, 1944, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. GEORGE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. JACKSON). The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Radcliffe
Ball	Gillette	Reed
Bankhead	Green	Revercomb
Barkley	Guffey	Reynolds
Bilbo	Gurney	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Shipstead
Brooks	Hayden	Stewart
Buck	Hill	Taft
Burton	Holman	Thomas, Idaho
Bushfield	Jackson	Thomas, Okla.
Butler	Johnson, Colo.	Truman
Byrd	Kilgore	Tunnell
Capper	La Follette	Tydings
Caraway	Lucas	Vandenberg
Chandler	McClellan	Wagner
Chavez	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	Overton	

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. MAYBANK], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Florida [Mr. PEPPER] are necessarily absent.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] are absent on official business.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AUSTIN], the Senator from North Dakota [Mr. LANGER], and the Senator from New Hampshire [Mr. TOBEY].

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the 6th instant,

A message was received from the House of Representatives by the Secretary of the Senate during the last recess informing the Senate that the House had passed the joint resolution (S. J. Res. 133) to extend the time limit for immunity, with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROVISION AFFECTING AN APPROPRIATION FOR ST. ELIZABETHS HOSPITAL (S. DOC. NO. 201)

A communication from the President of the United States transmitting a provision in the form of an amendment to the Budget, relating to St. Elizabeths Hospital, Federal Security Agency, for the fiscal year 1945 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA (S. DOC. NO. 200)

A communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations for the District of Columbia, fiscal year 1945, involving an increase of $368,835 in the form of amendments to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PAY STATUS OF CIVILIAN EMPLOYEES SUSPENDED WITHOUT PAY PENDING INVESTIGATION

A letter from the President of the United States Civil Service Commission, transmitting a draft of proposed legislation to establish a uniform policy with respect to the pay status of civilian employees suspended without pay pending investigation (with an accompanying paper); to the Committee on Civil Service.

PERSONNEL CEILINGS, WAR SHIPPING ADMINISTRATION

A letter from the Administrator of the War Shipping Administration, transmitting copy of his letter of June 1, 1944, to the Director of the Bureau of the Budget requesting adjustments in the personnel ceiling of the War Shipping Administration (maritime training fund) (with an accompanying paper); to the Committee on Civil Service.

REPORT RELATING TO THE USE OF TRAILERS BY THE T. V. A.

A letter from the general manager of the Tennessee Valley Authority, submitting, pursuant to law, a report of receipts and expenses in connection with the use of trailers at Murphy and Fontana Dam, N. C., and Camden, Tenn. (with an accompanying report); to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Acting President pro tempore, and referred as indicated:

A concurrent resolution of the Legislature of Louisiana; to the Committee on Banking and Currency:

"House Concurrent Resolution 13

"Whereas there have appeared recently indications on the part of the Securities and

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Exchange Commission of the United States to assume under their jurisdiction the issuing and sale of municipal bonds under the provisions of the Securities and Exchange Act of 1934; and

"Whereas it is our belief that such surveillance by the Securities and Exchange Commission was not intended under the act referred to; and

"Whereas it is necessary for the proper expansion and improvement of States, cities, and other political subdivisions that bonds issued by them should encounter the least amount of difficulty and delay in their issuance; and

"Whereas we feel that the issuance and sale of bonds by States, cities, and other political subdivisions is a right inherent in the States, cities, and other political subdivisions of the States, and should not be subjected to the harassing regulations of any Federal agency; and

"Whereas there has been introduced into Congress, and is now in the hands of committee, a bill by Congressman L. H. BOREN, of Oklahoma, which would amend the Securities and Exchange Act of 1934 and specifically exempt municipal bonds from the jurisdiction of the Securities and Exchange Commission: Therefore be it

"Resolved by the House of Representatives of the Legislature of the State of Louisiana (the Senate of the Legislature of the State of Louisiana concurring), That the Legislature of Louisiana does hereby endorse said Boren bill, H. R. 1502, and urgently recommends to the Representatives and Senators in Congress that they employ their every effort toward effecting its early passage through Congress; be it further

"Resolved, That official copies of this resolution be forwarded by the clerk of the house of representatives to each Senator and Representative of the State of Louisiana in Congress and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

Petitions of sundry citizens representing various real-estate companies and corporations of New York City, N. Y., praying for amendment of the rent-control section of the Emergency Price Control Act so as to remove alleged inequities therefrom, which were ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNELL, from the Committee on Claims:

S. 1935. A bill for the relief of Sigurdur Jonsson and Thorolina Thordardottir; without amendment (Rept. No. 954).

By Mr. CLARK of Missouri, from the Committee on Interoceanic Canals:

H. R. 3646. A bill to amend section 42 of title 7 of the Canal Zone Code; with an amendment (Rept. No. 955).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation five lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CORDON:

S. 1981. A bill for the relief of the Oregon Caves Resort; to the Committee on Claims.

S. 1982. A bill to reopen the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands to exploration, location, entry, and disposition under the general mining laws; to the Committee on Public Lands and Surveys.

By Mr. WHERRY (for himself and Mr. CAPPER):

S. 1983. A bill for the relief of Mrs. Anna Runnebaum; to the Committee on Claims.

By Mr. DOWNEY:

S. 1984. A bill for the relief of Mrs. John A. Schaertzer; to the Committee on Civil Service.

By Mr. BYRD:

S. 1985. A bill to amend an act entitled "An act authorizing the temporary appointment or advancement of certain personnel of the Navy and Marine Corps, and for other purposes," approved July 24, 1941, as amended, and for other purposes; to the Committee on Naval Affairs.

(Mr. CLARK of Missouri (for himself and Mr. LUCAS) introduced Senate bill 1986, which was referred to the Special Committee on Conservation of Wildlife Resources, and appears under a separate heading.)

By Mr. BROOKS:

S. 1987. A bill for the relief of Gordon Lewis Coppage; to the Committee on Claims.

PERMITS FOR THE USE OF LIVE DECOYS IN THE HUNTING OF DUCKS

Mr. CLARK of Missouri. Mr. President, for the Senator from Illinois [Mr. LUCAS] and myself I ask consent to introduce for appropriate reference a bill to provide for the issuance of permits for the use of live decoys in the taking of ducks.

Ducks have increased rapidly in the past 10 years. Nineteen hundred and thirty-three saw an all-time low in their numbers. Twenty-five million ducks were estimated that year to make up the entire population. Since then, through the great refuge system launched by the Senate Committee on Conservation of Wildlife and favorable weather and breeding conditions, the number reached about 150,000,000 last year. With favorable conditions again this year, the southward flight of ducks this fall will probably be around 170,000,000.

Sportsmen feel that the time has come when the drastic regulations imposed during the early years of the past decade should be relaxed.

There should, of course, always be a sufficient margin of safety to preserve the breeding stocks for future years. But the safe annual surplus crop of waterfowl should be reaped as are all other crops.

In certain sections the use of live decoys not only adds exhilaration to the sport but is a necessity if this annual surplus crop is to be reduced to the bag.

As chairman of the Special Senate Committee on Conservation of Wildlife Resources, I, together with the Senator from Illinois [Mr. LUCAS], have introduced a bill which provides for the use of not more than six live decoys in front of any blind. I have done this because I feel that it is in the interest of wise administration of this great outdoor resource.

Recently the State conservation officials of the 11 Western States in their annual convention at Phoenix, Ariz., passed resolutions favoring this proposal. Other conservation groups, clubs, and individuals have done likewise.

Under the provisions of the bill we have introduced, the Secretary of the Interior is directed to issue permits to applicants who desire to use live decoys. Any person guilty of violating any provision of the regulations for taking waterfowl shall have his permit revoked.

The duck hunters, through the purchase of nearly 9,000,000 duck stamps, have provided much of the money used in the development of the refuge program. They feel that the birds are amply protected and that their future is secure. The surplus crop should be harvested each year in order to alleviate the problems of damage to agricultural crops which became aggravated last year in the rice marshes and the wheat fields.

There being no objection, the bill (S. 1986) to provide for the issuance of permits for the use of live decoys in the taking of ducks, introduced by Mr. CLARK of Missouri (for himself and Mr. LUCAS), was read twice by its title and referred to the Special Committee on Conservation of Wildlife Resources.

CHANGE OF REFERENCE

On motion by Mr. ELLENDER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 3976) for the relief of Charles L. Kee, and it was referred to the Committee on Naval Affairs.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS—AMENDMENTS

Mr. BANKHEAD submitted three amendments intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which were severally ordered to lie on the table and to be printed.

HEARINGS BEFORE COMMITTEE ON COMMERCE—LIMIT OF EXPENDITURES

Mr. OVERTON (for Mr. BAILEY) submitted the following resolution (S. Res. 306), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, authorized by Senate Resolution 9, agreed to January 14, 1943, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject referred to said committee, hereby is authorized to expend from the contingent fund of the Senate, for the same purposes, during the Seventy-eighth Congress, $5,000 in addition to the amount of $5,000 heretofore authorized.

HISTORY OF THE NAVY FROM 1922 TO 1944 (S. DOC. NO. 202)

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the United States Government will be confronted with the problem of the kind and size of the Navy following the present World War, it seems to me that a brief history of the deterioration and rejuvenation of the Navy following World War No. 1 would be timely and informative. Accordingly, I have personally prepared a concise history of the Navy from 1922 to 1944 pointing out the

policy of the Government during these years and the steps taken in recent years to rebuild our Navy to its present strength.

This naval history is divided into three parts: 1922–30, the period of decline; 1932–36, the period of awakening; 1936–44, the rebuilding and expansion of the Navy. Subjects considered are the effect on the size of the Navy of the limitation of armaments treaties, the Hepburn report, Guam, and a summary of the expansion legislation from 1938 to the present time.

The information contained in this document should be helpful in determining our naval policy following the present war.

I ask unanimous consent that this brief résumé of our naval history during this period be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, the résumé presented by the Senator from Massachusetts will be printed as a document.

THE DISEASE OF FALSE LEADERSHIP—ARTICLE BY ERWIN D. CANHAM

Mr. WILEY. Mr. President, in a recent issue of the Christian Science Monitor there appeared a very thought-provoking article under the title "The Disease of False Leadership." It is an article which I recommend to every Senator, indeed, to every person who has the time to read it. It is very short. It goes back to the time of the "Fuehrer-Prinzip," which was launched in Germany by trickery in 1933. It shows what was happening at the same time to our own concept of leadership in America and elsewhere. I feel that it is worthy of being inserted in the RECORD, and I ask that it be printed in the body of the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DISEASE OF FALSE LEADERSHIP—DOWN THE MIDDLE OF THE ROAD

(By Erwin D. Canham)

It is time someone spoke out about the facts of present American Presidential politics.

On the one hand is President Roosevelt, finishing his twelfth year in the White House, manifestly weary, confronting the seemingly inevitable nomination for a fourth term. Unprecedented, undreamt of in American history, we are drifting into a situation where the most undesirable consequences may be virtually unavoidable.

On the other hand is the Republican Party, likewise drifting toward the nomination of Governor Dewey in a singularly lukewarm atmosphere during which the candidate himself pretends that the whole situation is a great surprise and mystery to him.

Manifestly, the whole situation reflects inside the United States the same problem of inadequate leadership which is now evident in nearly every country on the globe. Even Mr. Churchill, who probably has as much national enthusiasm behind him as any other leader, possibly excepting Stalin, occasionally falls into a situation—as in his recent praise of Franco—where his own supporters are puzzled and disappointed.

Surveying the world over, country by country, we find grave flaws emerging in leaders—De Gaulle, Mihailovic, Tito, Chiang, Badoglio, Mackenzie King, Vargas. Where is the nation which today enjoys the kind of leadership it really deserves? Where is true leadership manifest? In Stalin, perhaps, we have the most efficient and unquestioned leader, but his is a rule based on a dubious dictatorship about which we know all too little.

Obviously, the world must shake itself soon out of the lethargy which has gripped its leadership. The source of the lethargy is apparent. The totalitarian dictatorships were based on personal rule. The "Führer-Prinzip" was asserted to be the basic truth about men and affairs. Propaganda in behalf of that kind of false leadership was sprayed around the world. It entered people's consciousness. And in reaction against that kind of leadership the democratic nations fell victims to a form of the same mesmerism. They failed to solve, in their own way, the identical problem of leadership.

Meantime, in the United States, the problem drags along and we do little or nothing about it. The forces which are seeking to destroy sound leadership in our land pick off our able men one by one. Wendell Willkie fell victim—even before the Wisconsin primary—to various weaknesses and attacks which sapped and temporarily destroyed his usefulness. Governor Dewey, in his way, has also been ill-advised. Other able Republicans, like Governor Bricker and Commander Stassen, face different but damaging handicaps. We still do not unite behind the leaders we deserve.

What to do about it? First of all, perhaps, we can wake up to the fact that we are being attacked by a kind of leadership disease. To uncover and expose this fact will be a gain in itself. And then, perhaps the second step should be to support rather than tear down what leadership is available. Without admitting the claim that 16 years in the White House is a good or even a supportable thing, we might nevertheless seek to destroy the internal hate and vindictiveness that have been hurled at President Roosevelt, and with the intent of supporting right leadership alone, we might give constructive and united national aid to his problem. And, in both Democratic and Republican Parties, we should combat the suggestion that there are no alternative leaders of adequate stature. We need accept no doctrine of indispensability or personal rule.

But we need to go deeper than that, and think in searching terms of the problem of leadership. The "Führer-Prinzip" was launched into power in Germany by trickery in 1933. What was happening to our own concepts of leadership about that time? Or to Britain's? The United States had just elected a new President after a campaign based largely on "smearing" the President then running for reelection, with peculiarly personal tactics. Britain's political leadership was at a low ebb, and France's was even worse. Obviously, certain forces, in a degree seeds of weakness within ourselves which were not part of our true birthright, were distorting our genuine democratic leadership. To understand these forces and causes will take us a long way toward a solution of the problem of leadership which has become desperately urgent in 1944.

KEYNOTE SPEECH AT SOUTH DAKOTA REPUBLICAN STATE CONVENTION BY SENATOR BUSHFIELD

[Mr. BUSHFIELD asked and obtained leave to have printed in the RECORD the keynote speech delivered by him at the South Dakota Republican State Convention, at Watertown, S. Dak., May 29, 1944, which appears in the Appendix.]

CHRIST AND THE UNITY OF AMERICA—ADDRESS BY REV. DR. JOSEPH B. CODE

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an address entitled "Christ and the Unity of America," by Rev. Dr. Joseph B. Code, Director of the Inter-American Institute, as part of the Pan-American Day celebration sponsored by the National Commission on Inter-American Action, at Philadelphia, Pa., April 22, 1944; which appears in the Appendix.]

THE AMERICAN COTTON INDUSTRY—ADDRESS BY OSCAR JOHNSTON

[Mr. ELLENDER asked and obtained leave to have printed in the RECORD an address on the subject of the American Cotton Industry, delivered by Oscar Johnston, president of the National Cotton Council, at Washington, D. C., June 6, 1944, which appears in the Appendix.]

BRAND NAME MANUFACTURERS FACE A CHALLENGE—ADDRESS BY A. O. BUCKINGHAM

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD an article entitled "Brand Name Manufacturers Face a Challenge," by A. O. Buckingham, vice president of Cluett, Peabody & Co., printed in the Apparel Manufacturers magazine; which appears in the Appendix.]

ADDRESS BY AIME J. FORAND TO POSTAL EMPLOYEES OF BUFFALO, N. Y.

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by Hon. AIME J. FORAND to the employees of the Buffalo, N. Y., post office, June 4, 1944, which appears in the Appendix.]

THE COAL SITUATION—ARTICLE BY ROBERT M. WEIDENHAMMER

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article entitled "What About Your Coal," by Robert M. Weidenhammer, published in the Indiana Farmer's Guide of June 1, 1944, which appears in the Appendix.]

SOVIET EXPANSIONISM—ARTICLE BY S. STELLING-MICHAUD EDITOR OF JOURNAL DE GENÈVE

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article entitled "Soviet Expansionism," by S. Stelling-Michaud, editor of the Journal de Genève in the February 2, 1944, issue, which appears in the Appendix.]

POEM BY HORACE C. CARLISLE ON THE PRESIDENT'S PRAYER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a poem entitled "Our President's Prayer Dismantles Despair" written by Horace C. Carlisle, which appears in the Appendix.]

PROTECTION OF WOMEN AND MINOR WORKERS IN THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, there are two emergency measures which have been passed by the House of Representatives which I should like to have considered at this time. The first is House Joint Resolution 242.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WHITE. I should like to ask the Senator from Mississippi what this proposed legislation is; what is involved in it.

Mr. BILBO. This is a joint resolution which comes from the Minimum Wage and Industrial Safety Board, with a request that there be but one notice published in the press of their rules and regulations enunciated, instead of two,

appearing in the Washington newspapers, in which they have to report almost all their rules and regulations verbatim. The enactment of the joint resolution would result in the Board saving about $2,800.

Mr. WHITE. As I understand, the joint resolution has been reported from the Committee on the District of Columbia, and applies only to the District?

Mr. BILBO. It has been reported favorably from the committee, and has passed the House.

Mr. WHITE. Was the report of the committee unanimous?

Mr. BILBO. Yes.

Mr. BARKLEY. What is the urgency of this matter that makes it necessary to lay aside the pending business in order to get action on it?

Mr. BILBO. I do not think it will take more than a minute, and I have had so many urgent calls in regard to the matter that I wanted it taken care of at once. It will save some money to the Board, which is having a hard time as it is.

Mr. BARKLEY. Very well.

The ACTING PRESIDENT pro tempore. Is there objection to temporarily laying aside the pending business and considering the joint resolution?

There being no objection, the joint resolution (H. J. Res. 242) to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia," was considered, ordered to a third reading, read the third time, and passed.

AID TO DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, the second request I make is that the Senate consider House bill 3236, to provide aid to dependent children in the District of Columbia.

In explanation of the bill, I may state that the Social Security Board has asked the District Commissioners to have the law providing for the care of dependent children amended. The law is satisfactory so far as old people and blind people are concerned, but it does not meet the requirements of the Social Security regulations. House bill 3236 is merely to make it possible to conform with the requirements of the Social Security Board, so that dependent children in the District will not lose their allotments.

Mr. WHITE. Was the report of the committee unanimous?

Mr. BILBO. Yes, and the bill was passed by the House. There is no objection to it anywhere.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3236) to provide aid to dependent children in the District of Columbia, was considered, ordered to a third reading, read the third time, and passed.

ARMY MOTHERS CLUB OF CLARKSBURG, W. VA.

Mr. REVERCOMB. Mr. President, I desire to call the attention of the Senate to the splendid, patriotic work that is being performed by Post No. 4 of the Army Mothers Club of Clarksburg, W. Va. This club is located on the main line of a railroad running from East to West on which many soldiers, sailors, and marines travel to and from their posts. The members of the club meet all the trains and give cigarettes, and sandwiches and other food to the men in the services. I feel that the fine work they have performed and the great extent of their work deserve the commendation of the Government, and I therefore desire to call the attention of the Senate to the services being rendered by the members of the excellent organization at Clarksburg, W. Va.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 754. An act for the relief of Iver M. Gesteland;

S. 891. An act for the relief of Rebecca Collins and W. W. Collins;

S. 1093. An act for the relief of Fermin Salas;

S. 1102. An act for the relief of Helene Murphy;

S. 1112. An act for the relief of Taylor W. Tonge;

S. 1247. An act for the relief of the Bishopville Milling Co.;

S. 1281. An act for the relief of Rebecca A. Knight and Martha A. Christian;

S. 1305. An act for the relief of Anne Rebecca Lewis and Mary Lewis;

S. 1355. An act for the relief of Robert C. Harris;

S. 1416. An act for the relief of Mrs. Judith H. Sedler, administratrix of the estate of Anthony F. Sedler, deceased;

S. 1553. An act for the relief of J. M. Miller, James W. Williams, and Gilbert Theriot;

S. 1682. An act to provide for the payment of compensation to certain claimants for the taking by the United States of private fishery rights in Pearl Harbor, island of Oahu, Territory of Hawaii; and

S. 1837. An act for the relief of Lt. (Jr. Gr.) Hugh A. Shiels, United States Naval Reserve.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1588. An act for the relief of the legal guardian of Eugene Holcomb, a minor;

S. 1848. An act for the relief of Claude R. Whitlock, and for other purposes; and

S. 1849. An act for the relief of Muskingum Watershed Conservancy District.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 8, and 20 to the bill and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 21 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 10, 12, and 13 to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4464) to increase the debt limit of the United States.

The message further announced that the House insisted upon its amendment to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, and Mr. HANCOCK were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 262. An act for the relief of Mrs. J. C. Romberg;

H. R. 1040. An act for the relief of Frank Henderson and Frances Nel Henderson, his wife;

H. R. 1318. An act for the relief of Jack V. Dyer;

H. R. 1444. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 1497 An act for the relief of the estate of J. T. Taulbee, deceased, and Mrs. Bertie Leila Parker;

H. R. 1774. An act for the relief of Cyril Doerner;

H. R. 1886. An act for the relief of Charles Fred Smith;

H. R. 2014. An act for the relief of the Winston-Salem Southbound Railway Co.;

H. R. 2066. An act for the relief of A. L. Rinkenberger and John Floering;

H. R. 2151. An act for the relief of Elizabeth Powers Long;

H. R. 2333. An act for the relief of Mrs. Samuel M. McLaughlin;

H. R. 2473. An act for the relief of James Wilson;

H. R. 2511. An act for the relief of P. Audley Whaley;

H. R. 2512. An act for the relief of Betty Robins;

H. R. 2530. An act for the relief of John M. O'Connell;

H. R. 2825. An act for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.;

H. R. 2845. An act for the relief of John J. Beaton;

H. R. 2873. An act for the relief of Mr. and Mrs. D. F. Still;

H. R. 2896. An act for the relief of Mr. and Mrs. R. L. Rhodes;

H. R. 2903. An act for the relief of the Washington Asphalt Co.;

H. R. 2919. An act for the relief of Michael Eatman, Jr., and Mrs. Michael Eatman, Jr.

H. R. 3101. An act for the relief of George E. O'Loughlin;

H. R. 3152. An act for the relief of Mr. and Mrs. Cicero B. Hunt;

H. R. 3280. An act for the relief of William Dyer;

H. R. 3281. An act for the relief of the estate of Nelson Hawkins;

H. R. 3431. An act for the relief of the Home Insurance Co. of New York;

H. R. 3467. An act for the relief of Miss Anne Watt;

H. R. 3481. An act for the relief of J. William Ingram;

H. R. 3495. An act for the relief of Constantino Arguelles;

H. R. 3539. An act for the relief of the estate of Carlos Pérez Avilés;

H. R. 3548. An act for the relief of Mr. and Mrs. Robert W. Nelson and W. E. Nelson;

H. R. 3549. An act for the relief of Mrs. Emily Reily;
H. R. 3586. An act for the relief of Mrs. John Andrew Godwin;
H. R. 3590. An act for the relief of the city and county of San Francisco;
H. R. 3595. An act for the relief of Robert Futterman;
H. R. 3636. An act for the relief of Josephine Guidoni;
H. R. 3644. An act for the relief of Louis T. Klauder;
H. R. 3659. An act for the relief of Anne Loacker;
H. R. 3813. An act for the relief of J. Ralph Datesman;
H. R. 3841. An act for the relief of Dr. J. D. Whiteside and St. Luke's Hospital;
H. R. 3898. An act for the relief of Frank Gay;
H. R. 4024. An act for the relief of Victoria Cormier;
H. R. 4095. An act confirming the claim of Robert Johnson and other heirs of Monroe Johnson to certain lands in the State of Mississippi, county of Adams;
H. R. 4101. An act for the relief of P. E. Brannen;
H. R. 4107. An act for the relief of the Stiers Brothers Construction Co.;
H. R. 4197. An act for the relief of Mr. and Mrs. John Cushman;
H. R. 4226. An act for the relief of the legal guardian of William L. Owen, a minor;
H. R. 4439. An act for the relief of Dennis C. O'Connell.
H. R. 4458. An act for the relief of J. G. Power and L. D. Power;
H. R. 4528. An act for the relief of L. M. Feller Co. and Wendell C. Graus;
H. R. 4707. An act for the relief of J. Fletcher Lankton and John N. Ziegele; and
H. R. 4712. An act for the relief of John Duncan McDonald.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 4095. An act confirming the claim of Robert Johnson and other heirs of Monroe Johnson to certain lands in the State of Mississippi, county of Adams; to the Committee on Public Lands and Surveys.
H. R. 262. An act for the relief of Mrs. J. C. Romberg;
H. R. 1040. An act for the relief of Frank Henderson and Frances Nell Henderson, his wife;
H. R. 1318. An act for the relief of Jack V. Dyer;
H. R. 1444. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;
H. R. 1497. An act for the relief of the estate of J. T. Taulbee, deceased, and Mrs. Bertie Leila Parker;
H. R. 1774. An act for the relief of Cyril Doerner;
H. R. 1886. An act for the relief of Charles Fred Smith;
H. R. 2014. An act for the relief of the Winston-Salem Southbound Railway Co.;
H. R. 2066. An act for the relief of A. L. Rinkenberger and John Floering;
H. R. 2151. An act for the relief of Elizabeth Powers Long;
H. R. 2333. An act for the relief of Mrs. Samuel M. McLaughlin;
H. R. 2473. An act for the relief of James Wilson;
H. R. 2511. An act for the relief of P. Audley Whaley;
H. R. 2512. An act for the relief of Betty Robins;
H. R. 2530. An act for the relief of John M. O'Connell;
H. R. 2825. An act for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.;
H. R. 2845. An act for the relief of John J. Beaton;
H. R. 2873. An act for the relief of Mr. and Mrs. D. F. Still;
H. R. 2896. An act for the relief of Mr. and Mrs. R. L. Rhodes;
H. R. 2903. An act for the relief of the Washington Asphalt Co.;
H. R. 2919. An act for the relief of Michael Eatman, Jr., and Mrs. Michael Eatman, Jr.;
H. R. 3101. An act for the relief of George E. O'Loughlin;
H. R. 3152. An act for the relief of Mr. and Mrs. Cicero B. Hunt;
H. R. 3280. An act for the relief of William Dyer;
H. R. 3281. An act for the relief of the estate of Nelson Hawkins;
H. R. 3431. An act for the relief of the Home Insurance Co. of New York;
H. R. 3467. An act for the relief of Miss Anne Watt;
H. R. 3481. An act for the relief of J. William Ingram;
H. R. 3495. An act for the relief of Constantino Arguelles;
H. R. 3539. An act for the relief of the estate of Carlos Pérez Avilés;
H. R. 3548. An act for the relief of Mr. and Mrs. Robert W. Nelson and W. E. Nelson;
H. R. 3549. An act for the relief of Mrs. Emily Reily;
H. R. 3586. An act for the relief of Mrs. John Andrew Godwin;
H. R. 3590. An act for the relief of the city and county of San Francisco;
H. R. 3595. An act for the relief of Robert Futterman;
H. R. 3636. An act for the relief of Josephine Guidoni;
H. R. 3644. An act for the relief of Louis T. Klauder;
H. R. 3659. An act for the relief of Anne Loacker;
H. R. 3813. An act for the relief of J. Ralph Datesman;
H. R. 3841. An act for the relief of Dr. J. D. Whiteside and St. Luke's Hospital;
H. R. 3898. An act for the relief of Frank Gay;
H. R. 4024. An act for the relief of Victoria Cormier;
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H. R. 4226. An act for the relief of the legal guardian of William L. Owen, a minor;
H. R. 4439. An act for the relief of Dennis C. O'Connell;
H. R. 4458. An act for the relief of J. G. Power and L. D. Power;
H. R. 4528. An act for the relief of L. M. Feller Co. and Wendell C. Graus;
H. R. 4707. An act for the relief of J. Fletcher Lankton and John N. Ziegele; and
H. R. 4712. An act for the relief of John Duncan McDonald; to the Committee on Claims.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.).

The ACTING PRESIDENT pro tempore. The next committee amendment will be stated by the clerk.

The CHIEF CLERK. The next committee amendment is, on page 10, after line 20, to insert the following:

REVIEW OF RATIONING SUSPENSION ORDERS

SEC. 109. Section 205 of such act is amended by adding at the end thereof the following new subsection:

"(g) The district courts shall have exclusive jurisdiction to enjoin or set aside, in whole or in part, orders for suspension of allocations, and orders denying a stay of such suspension, issued by the administrator pursuant to section 2 (a) (2) of the act of June 28, 1940, as amended by the act of May 31, 1941, and title III of the Second War Powers Act, 1942, and under authority conferred upon him pursuant to section 201 (b) of this act. Any action to enjoin or set aside such order shall be brought within 5 days after the service thereof. No suspension order shall take effect within 5 days after it is served, or, if an application for a stay is made to the Administrator within such 5-day period, until the expiration of 5 days after service of an order denying the stay. No interlocutory relief shall be granted against the administrator under this subsection unless the applicant for such relief shall consent, without prejudice, to the entry of an order enjoining him from violations of the regulation or order involved in the suspension proceedings."

Mr. CHANDLER. Mr. President, I should like to call up now an amendment I have offered, and ask that it be considered. I ask that the clerk be directed to read the amendment and the modification thereof. I wish to state to the Senate that the junior Senator from Massachusetts [Mr. WEEKS] is now present. The amendment which he has offered and the amendment which I have offered are almost identical in language. We have joined our forces, and we intend to offer them together.

The ACTING PRESIDENT pro tempore. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 10, line 23, it is proposed to strike out "subsection" and insert in lieu thereof "subsections."

On page 11, after line 17, it is proposed to insert the following:

(h) It shall be an adequate defense to any suit or action brought under subsections (b), (e), or (f) (2) of this section if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

(i) Nothing in this section shall be construed to deprive the courts of the power to assess against the defendant the amount of the overcharge.

Mr. CHANDLER. Mr. President, during the debate yesterday I fully explained the amendment, and I do not desire to detain the Senate longer in explanation of it. The Senator from Massachusetts may want to add a word with respect to it, and I yield the floor at this time.

Mr. WEEKS. Mr. President, it appears that the junior Senator from Kentucky [Mr. CHANDLER] and I have offered what I believe to be almost identical amendments. The amendment now pending concerns, and I think it concerns very vitally, every merchant in this country. It provides in effect that those who have violated the act may have their day in court, and that the court may have some discretion in determining whether the case shall be placed on file or whether a penalty shall be invoked.

In my judgment, the necessity for this amendment is the more apparent because of the amendment which has been proposed by the committee, which, as I interpret it, makes it even more mandatory than under the act as it now stands to levy an assessment or a penalty in case of violations. Furthermore, in the amendment offered by the committee, there appear these words:

> If any person selling a commodity violates a regulation * * * and the buyer * * * fails to institute an action under this subsection within 30 days * * * the Administrator may institute such action.

In other words, the committee amendment contains a provision that if the buyer does not institute an action within 30 days, then the Administrator may do so in his stead. I believe that provision opens up the opportunity to bring thousands of actions under this section, whereas under the original act as it presently stands on the statute books, a buyer may often, and I think in 99 cases out of 100 does, register his complaint and then drops the matter without bringing the case into court. So, I say that there is a real need on behalf of the merchants of the United States to provide that the seller of any article may as an adequate defense prove that his act was neither willful nor that he had failed to take practical precautions against the occurrence of the violation.

Mr. MURDOCK. Mr. President, will the Senator yield to me for a question?

Mr. WEEKS. If the Senator will withhold his question until I finish my statement I shall be grateful.

Mr. MURDOCK. Very well.

Mr. WEEKS. In this amendment I think we are not so particularly concerned with those who have violated the act by overcharges in substantial amounts, say $25, $50, or $100. I think we are paricularly concerned here with cases which involve overcharges in pennies. In thousands of stores throughout the country every overcharge which conceivably might be made would be in pennies. It is interesting in this connection to find the following language in the report of the committee, on page 14:

> It is the opinion of the committee that where substantial amounts are involved, the court should be permitted to take into account the circumstances under which the violations occur and to assess something less than treble damages in cases where violations occur unintentionally and despite the exercise of due diligence to prevent them.

I think the committee in its report has readily acquiesced in the point I am attempting to make, but we must be equally concerned here with those overcharges involving only a few cents. When I speak of the seriousness of this proposition to merchants dealing in items involving small amounts, I have in mind that it is reported in a grocery store trade journal that an individual consumer in California went on a shopping tour and shopped more than 1,000 stores, and he found 104 violations in different stores. Those 104 violations enabled him to file charges on each violation, and the penalty which he could not fail to collect under the present law would be $5,200, plus $1,500 for attorneys charges, although the overcharges in the 104 cases totalled all together only $1.92.

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. WEEKS. I yield to the Senator from Ohio.

Mr. TAFT. Of course the committee has, in large measure, corrected that, so that under the same circumstances today the total penalty would be $50. In other words, we have eliminated the cumulative feature, which we regard as a very serious fault in the law.

Mr. WEEKS. I think, Mr. President, that the Senator from Ohio perhaps did not quite understand what I said. Every one of these cases was in a different store. So he could sue Jones and Smith and Brown. One hundred and four different stores were included in the total. So in the particular case I have cited, I think the buyer could be awarded, and, in fact, the court would be obligated to award, penalties totaling $5,200.

Mr. TAFT. Mr. President, will the Senator further yield to me?

Mr. WEEKS. I yield.

Mr. TAFT. The Senator cannot assume that the store innocently, in 50 or 100 different places, violated the law, entirely without any fault whatsoever. Frankly, the situation in respect to the $50 penalty is that if we eliminate it, we might just as well eliminate the whole idea of permitting consumers to sue for overcharges. I do not say that idea is an essential feature of the enforcement of this law; but I do say that unless provision is made for the $50 penalty, no consumer possibly can sue for overcharges of a few cents, and no consumer ever will. Not only that, but for each store to be fined $50 for violating the law, even if the violation is an innocent one, does not seem to me to be any particular hardship in a case of that kind. After all, this is a law. If there is no penalty, if there is no incentive to abide by the law, we shall find that hundreds and thousands of storekeepers will take chances. I think perhaps the $50 fine is excessive; but no one can possibly bring a suit for 2 cents, and no one ever will bring a suit for 2 cents. If we insert a provision that the violation must be willful, under those circumstances no one will bring a suit, because no individual will think he can ever successfully collect.

There may be some argument on the basis of eliminating the whole idea of enforcing this act through consumer pressure and consumer suits; but the Senator's amendment and the amendment of the Senator from Kentucky in my opinion would entirely eliminate any consumer suits at all.

Mr. RADCLIFFE. Mr. President, will the Senator yield to me for a moment, if it will not disrupt the development of his presentation?

Mr. WEEKS. I yield.

Mr. RADCLIFFE. The Senator from Massachusetts was not here yesterday when I made the suggestion that we would be willing to reduce the amount from $50 to $25. I shall not press this point during the Senator's time, by discussing the merits of the matter, except to say that the committee made many reductions. So at present, the report of the committee and the committee amendment really provide penalties which are very small, indeed, in comparison with those provided in the existing law.

The only other comment I wish to make now is that it seems to me that if 104 violations were found in a certain city, that would seem to indicate a rather deliberate intention on the part of a great many persons to disregard the law; otherwise, such a condition could not be accounted for.

Mr. WEEKS. Mr. President, inasmuch as I have commenced to yield, I should like to yield now to the Senator from Utah, if he cares to raise his point at this time.

Mr. MURDOCK. I thank the Senator, Mr. President; but I am perfectly willing to wait until he concludes.

Mr. WEEKS. Very well.

Mr. BARKLEY. Mr. President, will the Senator from Massachusetts yield to me for a question?

Mr. WEEKS. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator, at the outset of his remarks, said he was not concerned about violations involving overcharges of $25 or $50, but was deeply concerned with the penny cases. The amendment makes no distinction between an overcharge of 1 cent and an overcharge of $100. It seems to me that if an amendment of this kind is to be adopted, it certainly should not apply in cases in which there is an obvious overcharge of an amount which is substantial. I can appreciate the fact that if a man overcharges 4 cents, that is looked upon as chicken feed, so far as the violation of the law and the amount involved are concerned. But there are many cases, possibly thousands of them, in which the overcharges run into dollars—$25, $50, $100, or perhaps more, depending on the article sold.

Does not the Senator from Massachusetts think, and does not my colleague from Kentucky think, some distinction should be made between cases involving substantial amounts of money and the "penny ante" cases about which we have been talking?

Mr. CHANDLER. Mr. President, will the Senator from Massachusetts yield to me for a moment?

Mr. WEEKS. I yield.

Mr. CHANDLER. I think the senior Senator from Kentucky [Mr. BARKLEY] possibly misapprehends what we are undertaking to do. In this amendment we definitely do not want to do anything that will stop the making of the refund, regardless of how large or how small it may be. The overcharge must be paid back. But if an overcharge is made and if a suit is brought, we would give the individual concerned the opportunity to go into court and show, if he can—and we put on him the burden of making the showing—that he did not make the overcharge willfully and did not do it until all reasonable precautions had been taken in his business to avoid the mistake. Regardless of what the overcharge may be, such a man should have a right to make a defense. He is entitled to an opportunity to make his defense, if he

has one. But the authorities will not relent an inch; and they have collected $75 on the basis of a 10-cent overcharge, as I showed yesterday, 750 times the amount of the overcharge; and the overcharge was refunded, too.

All we would do by the amendment would be to permit one of our fellow citizens to go into court and defend himself by offering to the judge evidence to show his good faith and to show that he had undertaken to comply with the law. I do not understand how anyone can fail to support an attempt to provide an opportunity for a man who has a defense to make it.

Mr. WEEKS. Mr. President, I should like to answer the question raised by the senior Senator from Kentucky [Mr. BARKLEY] in this manner: He has said that apparently I have indicated that we are not concerned with overcharges ranging in substantial amounts. What I meant is that here we have an amendment which in itself changes the time-honored precedent that a man is innocent until he is proven guilty. Here we go a little astray from that principle, and we say that the seller in such case, who is the defendant, must prove his innocence, and that an adequate defense is that he was neither willful in making the overcharge nor that he had failed to take practicable precautions against the occurrence of the violation. I say that if a man sells a piece of farm machinery and overcharges by $100, for example, that is almost prima facie evidence that he either willfully violated the law or failed to take the ordinary, prudent precautions which any man in business should take in order to comply with the law.

But I have in mind the case of a particular chain store which has 1,800 separate stores in its organization. In those stores the customers find for sale, for example, several different kinds of canned beans. The ruling is, in most cases, that the ceiling price shall be a percentage mark-up on the cost of the can of beans. When the cost varies between one brand and another, the percentage mark-up will result in different ceiling prices. In merchandising such products, there is the greatest possibility that a mistake will be made, especially under present conditions where there is a continual turn-over of clerks, and where a can of beans, for example, may have been on the shelf for some time, and in marking a change of ceiling prices the clerk may have failed to mark the change on that particular can. There are infinite possibilities for error. The overcharges, however, which particularly concern me in joining with the junior Senator from Kentucky in offering the amendment are overcharges which occur in small and insignificant amounts.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield to the Senator from New York.

Mr. WAGNER. We have heard a great deal about overcharges involving rather large amounts, the amount of the overcharge indicating that it was willful. However, I am concerned with a group of low-income people to whom 5 cents means as much as $100 means to someone else. We ought to protect them. If the proposal of the Senator is accepted and goes into the law, how is the small purchaser to prosecute a claim against the president of a large concern? The president of the concern may say, "I knew nothing about this violation. It was done without my knowledge, and therefore I am perfectly innocent in the matter." Under the terms of the amendment, that would defeat the small purchaser. The buyer ought to be permitted to bring an action if an overcharge is made by a chain store or other seller, no matter what the amount may be.

I should like to make a brief statement with reference to something which was said yesterday by the junior Senator from Kentucky [Mr. CHANDLER], who has joined the Senator from Massachusetts [Mr. WEEKS] in offering the amendment. I believe the statement was made that in peacetime such penalties were not assessed without a requirement that the violation be willful. I should like to cite a number of examples of statutes which have been enacted by Congress, in which there is no requirement that the violation be willful.

The first example, involving the recovery of damages, is the Clayton Act. Other such statutes are: The Bituminous Coal Act of 1937; the act relating to the unauthorized use of registered trademarks; the Fair Labor Standards Act, which was enacted after considerable controversy in this body some years ago; the Patent Infringement Act; and the act relating to failure to furnish full telegraphic service as required by the Pacific Railroad Act. In those acts penalties are provided without the requirement that the violation be willful. The mere violation is sufficient to invoke the penalty.

This being wartime, I think we should be anxious to see that price control is maintained. If such provisions for recovery of damages and for civil penalties are effective in peacetime, why should they not be required in wartime?

As examples of laws providing civil penalties, I cite the act relating to exceeding rice marketing quotas; the act with respect to violation of various immigration restrictions; the slave trading act; and the act relating to false or insufficient manifest specifying sea and ship's stores. There are many others. In all of them the mere act itself, without any requirement that the violation be willful, is sufficient to make the violator subject to penalties.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement showing a list of statutes providing for recovery of damages or civil penalties for statutory violation, without a requirement that the violation be willful.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A. Federal provisions for recovery of damages or civil penalties for stautory violation, without a requirement that the violation be willful.

1. Damage recovery:

(a) Clayton Act (15 U. S. C. 15).

(b) Bituminous Coal Act of 1937 (15 U. S. C. 835d) (expired).

(c) Unauthorized use of registered trademarks (15 U. S. C. 96, 99, 124).

(d) Fair Labor Standards Act (29 U. S. C. 216).

(e) Patent infringement (35 U. S. C. 67, 70).

(f) Failure to furnish full telegraphic service as required by Pacific Railroad Act (45 U. S. C. 83).

2. Civil penalties:

(a) Exceeding rice marketing quotas (7 U. S. C. 1356).

(b) Violation of various immigration restrictions (8 U. S. C. 139, 143, 145, 150, 169, 216).

(c) Slave trading (18 U. S. C. 434).

(d) False or insufficient manifest specifying sea and ship's stores (19 U. S. C. 1432, 1460).

(e) Driving stock to feed on Indian lands (25 U. S. C. 179).

(f) Violation of navigation rules for harbors, rivers and inland waters generally (33 U. S. C. 158, 159).

(g) Failure of postmaster to render proper accounts (39 U. S. C. 44).

(h) Violation of 8-hour-day provision in public contracts (40 U. S. C. 324).

(i) Violation of load line provisions for vessels (46 U. S. C. 85 (g), 88 (g)).

B. Federal provisions for injunctions against statutory violations, without a requirement that the violation be willful.

(1) Fair Labor Standards Act (29 U. S. C. sec. 217).

(2) Interstate Commerce Act (49 U. S. C. sec. 5 (8), 16 (12), 916 (b), 1017 (b)).

(3) Sherman Act (15 U. S. C., sec. 4).

(4) Securities Act of 1933 (15 U. S. C., sec. 77t (b)).

(5) Securities Exchange Act of 1934 (15 U. S. C., sec. 78u (e)).

(6) Investment Companies Act (15 U. S. C., sec. 80a–41).

(7) Investment Advisors Act of 1940 (15 U. S. C., sec. 80b–9).

(8) Federal Power Act (16 U. S. C., sec. 820).

(9) Federal Power Act (16 U. S. C., sec. 825m (a)).

(10) Agricultural Association Act (7 U. S. C., sec. 292).

(11) Agricultural Adjustment Act of 1933 (7 U. S. C., sec. 608a (6)).

(12) Hot Oil Act (15 U. S. C., sec. 715i (a)).

(13) Public Utility Holding Company Act of 1935 (15 U. S. C., sec. 79r (f)).

(14) Federal Alcohol Administration Act (27 U. S. C., sec. 207).

(15) Sugar Act of 1937 (7 U. S. C., sec. 1175).

(16) Natural Gas Act (15 U. S. C., sec. 717u).

(17) Civil Aeronautics Act (49 U. S. C., sec. 647 (a)).

(18) Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 332 (a)).

(19) Alteration of Bridges Act (33 U. S. C., sec. 519).

Mr. WEEKS. Mr. President, let me say in reply to the Senator from New York that I am as much interested as is any other Senator in the small purchaser. I am as much interested as is any other Senator in the O. P. A. and what it is doing, which I think is vitally important. I am not attempting in any sense to deprive a purchaser who has been overcharged of his day in court. On the other hand, I am trying to see to it that the merchant—not only the chain-store merchant, but the merchant at the crossroads—every merchant, large or small—has his day in court. In almost any action that I know anything about, criminal or civil, if a judge makes a technical finding of guilty, he may file the case if

he thinks there are extenuating circumstances which warrant such action.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield.

Mr. WAGNER. In the case of a criminal penalty, there is already a provision in the law requiring that the violation be willful, before the defendant can be convicted. That is already a part of the criminal procedure. We are now discussing civil penalties.

Mr. WEEKS. I understand that we are discussing civil penalties. The point I wish to make is that in almost every case it is within the discretion of the court, as I understand, to file the case if there are extenuating circumstances. Let me read from a decision rendered by a judge in Kentucky:

> If there is any element of justice, morality, or right in compelling a respectable and honest merchant, such as the defendant in this case, at such a time as the present when experienced clerks are scarce and hard to obtain, to pay a penalty of $50 for an innocent mistake of 10 cents by an inexperienced clerk, in which the employer who is so mulcted had no part whatever, I have failed to discover it.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield.

Mr. WAGNER. In view of the statement which the Senator made in quoting the decision of a Kentucky judge, I should like to quote from the Emergency Court of Appeals, which had before it one of these cases—probably a hardship case. The court said:

> Occasional hardship to one who honestly and intelligently endeavors to comply with the law is not too high a price to pay for the protection of the whole community against inflation.

That is the view which those of us who oppose the amendment take.

Mr. WEEKS. Mr. President, I wish to conclude my remarks with regard to this particular amendment by saying that all I am attempting to do is to provide that a merchant who is not guilty of a willful violation, and a merchant who has not failed to take practicable precautions to conform to ceiling prices which have been established, shall be allowed to prove these points to the satisfaction of the court and that the court shall have discretion as to whether he shall or shall not assess a penalty. It is no light matter for a merchant, large or small, to be hauled into court and fined $50 or $75. The amount is not important. The fact is that he is held up to the scorn and opprobrium of the public as having been a chiseler and a violator of the law, I believe that thousands of merchants, large and small, all over the country, are entitled to have their day in court, and that where there are extenuating circumstances the court should, under the law, be given some discretion as to whether a penalty should or should not be invoked.

Mr. MALONEY. Mr. President, I am very hopeful that the amendment offered by the distinguished Senator from Kentucky [Mr. CHANDLER] and the distinguished Senator from Massachusetts [Mr. WEEKS] will not prevail. We are engaged in a discussion of a wartime measure. If we were not at war there would probably be no O. P. A. or price stabilization.

The Office of Price Administration has been functioning for a long time with outstanding success. Every Member of the Senate admits, and quite generally throughout the country there is an admission, that the O. P. A. is under the guidance of conscientious, capable, and able men.

The particular question before the Senate is one which has had very careful consideration, for a long period of time, by the Office of Price Administration, as well as by the Banking and Currency Committees of both Houses of Congress. The Office of Price Administration, and particularly the feature of the law now under discussion, were established with the intent to protect the consuming public consisting of approximately 100,000,000 American purchasers.

All of us know—we admit with regret—that there are those who willfully violate regulations of the Office of Price Administration. Every Senator knows that it would be almost impossible to attempt to police the regulations of the O. P. A. with paid governmental employees alone. So the O. P. A. very wisely, it seems to me, has solicited the help of the American people in policing its program. It was with that in mind that this law was adopted. In order that the American people could contribute to their own protection this language was written into the statute.

Mr. President, if we undertake to say that the man who is not willfully guilty of a violation of the law should not be penalized we might as well dispense with policing by the method which has been provided. Suits would not be brought. Persons engaged in business would in many instances become more or less careless. The American people and the O. P. A. program would suffer. All of us know about the black markets. Black markets exist because the policing power is not strong enough, and because there are not a sufficient number of men to discover or apprehend those who violate the law.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. WEEKS. Am I to understand the Senator from Connecticut to say that suits would not be brought, and does he have the thought that the people have so little confidence in the courts that they would not bring suits because they would know that we had written into the law that the court had discretion?

Mr. MALONEY. That is exactly what I said, and that is exactly what I meant.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. The amendment which is pending goes much further than giving to the court discretion. As an absolute defense on the part of the defendant in any proceeding, he would have to prove that he either did not willfully commit the violation, or that he had taken all necessary precautions in order to avoid a violation. The court would have no discretion if the defendant should make such proof. The court would have to dismiss the case, no matter what the proceeding might be.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CHANDLER. We would put the burden of proof on the defendant. The burden of proof would not be upon the Government, but upon the defendant. The court would listen to the proof, and would know upon whom was the burden of proof, and it could determine whether the defendant had proved he was not a willful violator, or had proved that he had taken all ordinary precautions. What objection would there be to that? Why should not a man have an opportunity to prove his case? To deprive him of such opportunity would be to take away from him whatever right he has in the world.

Mr. WEEKS. Mr. President, will the Senator further yield to me?

Mr. MALONEY. I yield.

Mr. WEEKS. We do not even say that the defendant is innocent until he is proved guilty. We say he must prove, as a part of his defense, that he has not been willful in his violation, and that he has taken all practicable precautions to prevent the violation.

Mr. MALONEY. Mr. President, in my judgment the Senator would create a very complicated situation if a distinguished merchant in a community should appear before the court and say in effect, "I did not know about it, Your Honor. I missed that regulation. The regulations, as Your Honor knows, are complicated. I did not have time to study them. I was engaged in war work. I was serving on a bond selling committee. I have a new clerk and he did not understand the regulations." I do not wish any judge to be placed in the position of having to condemn a man for his oversight or carelessness. I assert that the incentive of the merchant to make himself familiar with the regulations will be destroyed if this amendment is adopted.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. MURDOCK. I wish to make an observation with which I believe every lawyer in the Senate will agree.

Under the amendment of the distinguished Senator from Massachusetts [Mr. WEEKS], and the distinguished Senator from Kentucky [Mr. CHANDLER], there would be placed upon the defendant the burden of moving forward with evidence that the violation was not a willful one, and also that the defendant had not failed to take practicable precautions. But once the evidence had gone forward, regardless of how convincing it was, a prima facie defense would be made, and would have to be overcome. The burden of overcoming the prima facie case would then be transferred to the plaintiff. So about all that would be done by this type of amendment would be to place upon the defendant the burden first, of moving ahead with the evidence. The burden would then immediately be transferred to the plaintiff after the

prima facie case had been established, and the plaintiff would then have to prove that there had been knowledge, and also that the defendant had taken practicable means to inform himself.

Mr. MALONEY. I thank the Senator. He anticipated what I was about to say.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. WEEKS. The Senator from Connecticut has stated that if a defendant should come before a judge and say, "I did not read the regulations." I did not do this, or did not do that——

Mr. MALONEY. The Senator from Massachusetts has not quoted my language. He has the general idea, however.

Mr. WEEKS. If the defendant comes before the judge and the judge concludes that he has not taken reasonable precautions, then under this amendment the defendant will not have established any defense whatsoever against the charge. In other words, the defendant has to prove that in the ordinary, routine conduct of his business he has instructed his clerks and employees as to what to do; that he has put prices on the articles he has for sale, and taken every precaution to see to it that this law is obeyed.

I would remind the Senator that anybody conducting a business today, whether it be a large or a small business—and a small business suffers most—is having all he can do every day of his business life in trying to keep up with the regulations. Ninety-nine out of one hundred and more are honestly trying to live up to the letter of the law, and they are the people I am trying to protect by this amendment.

Mr. MALONEY. Mr. President, it is pretty difficult for me to believe that the American people are dishonest and that they are seeking to take honest merchants into court. There may be mistakes made here and there; we may find an evil man here and there; we may find an occasional greedy man; but I have not come in contact with the sort of situation described in this debate. I do not believe the American people, or very many of them at least, would take into a court an innocent merchant who made a mistake, and I do not believe that such a merchant as the one described a moment ago by the distinguished Senator from Massachusetts who had taken every precaution need have any fear.

Mr. WEEKS. Mr. President, will the Senator from Connecticut yield further?

Mr. MALONEY. I yield.

Mr. WEEKS. I have cited one case and unquestionably there are many more cases, where chiselers have tried, as in the case mentioned, to bring an honest merchant into court and profit thereby.

Mr. MALONEY. I doubt very much if there are many of them and I feel very certain the record will not show that over the period of time this law has been in effect many innocent men have been taken into court. I can understand how an aggravated public or an aggravated individual, understanding that a merchant somewhere was preying upon the American people, and with evidence of a dozen or 20 or 50 or a 100 violations, might be provoked to the point of bringing that particular merchant into court.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. McFARLAND. I ask the Senator if this law is not for the protection of the conscientious merchan who is trying to abide by the law?

Mr. MALONEY. That certainly is a part of the reason for it.

Mr. McFARLAND. But the chiseler, under this kind of a provision, would be able to say, "I did not know what the rules were; I was trying to find out what they were." Under such a provision as the one now proposed, who could prove that that man did not get more money for his goods than he should have obtained? The conscientious man who abides by the law is the one who suffers.

Mr. CHANDLER. Mr. President, will the Senator from Connecticut yield?

Mr. MALONEY. I yield.

Mr. CHANDLER. I will say to the Senator from Arizona that about 500,000 merchants of the country disagree with him. I know of a case and cited it yesterday where a customer made a purchase from the Kaufman-Straus Stores, a highly reliable establishment, and was overcharged 10 cents.

Mr. MALONEY. I was here and heard the Senator.

Mr. CHANDLER. The Senator said he did not know of such cases. The customer demanded his 10 cents back and got it. What kind of a man is it who, after getting the refund, will go into court and sue to get $50 and $25 lawyer's fees, which is 750 times the amount of the refund? I wish such things would not happen, but they do happen. The judge in that case said he thought the sellers were reliable merchants; he thought they had taken reasonable precautions, and that they did not engage in that kind of business, but there was nothing in the world he could do. He could not listen to their side of it; he could not take into consideration any extenuating circumstances; he could not let them tell him that they had taken all reasonable precautions, and did not intend to make a mistake. He knew they had paid the money back promptly, and yet fined them $50 and $25 counsel fees. I am not talking about something that may happen but about something that actually did happen.

Mr. MALONEY. The word of the distinguished Senator from Kentucky is good enough for me, and I am assuming that Kaufman and Straus are honorable merchants; but the fact of the matter is that in their store some one was overcharged 10 cents, and, without such a law as we now prescribe that might have gone on day after day, week after week, on item after item, and the American people could have been penalized just that much in a store conducted by honorable men. It is only by such situations as the one the Senator describes that such cases come to light. Some department stores, I presume, sell thousands upon thousands of items and 1 or 2 or 3 or 4 cents on each item or on a great number of items would amount to a tremendous sum.

This is a wartime measure. The distinguished Senator from Massachusetts said a few moments ago that men are compelled to suffer a penalty because of an innocent mistake of 10 cents. Mr. President, if a soldier of this country goes to sleep at his post of duty he may be sent to the Federal penitentiary for years. God knows falling asleep is an innocent mistake. When a boy, called from his home, from a life of peace, is put into the Army, and, tired, exhausted, worried, and bewildered, he falls asleep, no one questions the innocence of his act; but he is subject to a penalty, if I may use the language of the distinguished Senator from Kentucky, that is 750 times what it ought to be on the basis of the discussion and the claims here made by the proponents of this amendment.

Let me say again, Mr. President, we are engaged in a terrible war. That we keep stabilization effective is all-important in the prosecution of this war; it is all-important in the protection of our national economy; it is all-important in the protection and maintenance of our national morale; and, if the merchants of the country—and I realize that innocent ones will suffer—are not sufficiently concerned to keep themselves well informed and are not sufficiently interested to see that their clerks are properly trained, or even, Mr. President, if they are unable to do those things because of other heavy pressures, it seems to me that it is necessary for the over-all protection of the country that we have this law, even though in some isolated case innocent men may suffer.

We do not write laws for a small group of our people. We would not need them if every man practiced the Golden Rule; there would be no occasion for stabilization if every man had complete goodness and understanding in his heart. We write regulations and we pass laws as a deterrent to those who would do evil, or those who are careless of their neighbors' welfare.

Does anyone suppose that all of those who violate traffic laws willfully drive through red lights? Would it be sensible for every judge to say, "I know you did not do it willfully; you are excused." Men are supposed to know, and in wartime it is necessary that they be compelled to an extra effort and that there be imposed upon all of us a very great responsibility.

I know that this amendment is proposed in good faith by two distinguished Senators who seem to see a wrong, but admitting that there is a wrong, admitting that there is a mistake and that these numerous regulations are hard to understand and to keep up with, let me say, Mr. President, we are not going to go through this war successfully with conveniences on every hand. The Office of Price Administration has done and is doing its job very well; it has met with great success up to this hour. Under a continuation of those who guide the management of the O. P. A. and protect the destinies of our people, the worst is behind us. We will have to endure these inconveniences for a little while longer. I can see it moving on successfully with the complete cooperation and under-

standing of the Congress, but if we do something here to interrupt the program which those in charge, after all their experience, tell us is a great mistake, we may do great harm.

I earnestly hope the amendment will be rejected.

Mr. WAGNER. Mr. President, before the Senator concludes his admirable address I should like to remind him that it was in peacetime that we passed the wage-and-hour law, and in that act, because of the disparity between the employer and employee, we provided a penalty for violation of the law irrespective of the question of good faith, because we recognized that an employee would be almost defenseless against any of the very few employers who chiseled. So we provided a penalty during peacetime.

Mr. MALONEY. The Senator is correct. I thank him.

Mr. TUNNELL obtained the floor.

Mr. CHANDLER. Will the Senator from Delaware yield for a moment?

Mr. TUNNELL. I yield.

Mr. CHANDLER. The Senator from Connecticut has talked about injustices, and all of us are in favor of preventing injustices; but in my opinion we would not be doing a just thing or improving the condition of any man in the Army, the Navy, or the Marine Corps of the United States if, in the name of the war, we heaped injustices on those they left back home, and it is an injustice not to provide better justice. That is always an injustice.

Mr. MALONEY. If the Senator from Delaware will yield, I insist that a man cannot be penalized unless his guilt is clear.

Mr. CHANDLER. And we are insisting on giving him an opportunity to show that he is innocent.

Mr. TUNNELL. Mr. President, I desire to endorse the pending bill, and I call attention to the fact that yesterday I received a petition signed by approximately 3,500 persons. It was addressed to me, to the junior Senator from Delaware [Mr. BUCK], and to Representative WILLEY. It was from Wilmington, Del., and those sending the petition represented the American Federation of Labor, the Congress of Industrial Organizations, railroad brotherhoods, National Association for the Advancement of Colored People, the Wilmington Cooperative Society, and assorted consumer citizens. The petition reads:

> We, the undersigned consumers of Delaware, urge you to support adequate price-control legislation in Congress by voting to extend and strengthen the Price Control Act. Prices must be kept down.

I do not think the full extent of the good that has been done and will be done by the O. P. A. will ever be fully realized. I know the antagonism that was aroused on the organization of the O. P. A. as a result of misjudged policies on the part of someone in the organization. I realize that there were hundreds of people employed by the O. P. A. in the beginning who had no sympathy with the O. P. A. or its purposes and did not work to carry out the purposes of the law. But I think conditions have changed, and I believe that the O. P. A. today is endeavoring to meet a great requirement of American life, and I believe it is doing so.

It has been said that the O. P. A. law is a war measure, and that is true. The American people perhaps would not long consent to a law such as this if it were not in wartime. So, whatever I say in endorsing the Chandler amendment is not said with a view to criticizing the O. P. A. I do not think the amendment involves a criticism of the O. P. A. I think it is only fixing by law the course which the O. P. A. must follow, and in my opinion the amendment does provide for something which common decency and justice require.

The amendment reads:

> It shall be an adequate defense to any suit or action brought under subsections (a), (e), or (f) (2) of this section if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

I do not see anything wrong in that. I remember hearing that in early days, under the Mosaic law, there was the idea, and practically the requirement, that a person who killed another, even innocently, had to stand the punishment fixed. But I thought we had passed that period. I know, as other Senators know, that practically every lawyer who has had anything to do with the trial of cases has had to defend those who have innocently either killed or injured others. According to the theory of the opposition to the amendment, such a person should not be permitted to show that he committed the act innocently. He would have to suffer whatever punishment, civil or criminal, there might be for doing something which he did not intend to do, and for which he should not be held liable. That has always been a defense in all the actions with which I have had anything to do, and I have engaged in a great deal of trial work.

I remember one time defending a man for breaking into a store with intent to commit a robbery. It was a defense, and I used it, that the man was so drunk that he did not have any intent. The intent is the gist of the action. We may walk out of this bulding, get into a car, and strike a person innocently. Are we to be assessed $10,000, or $100,000, whatever the death of that man may be shown to be worth, because we innocently did something we did not intend to do?

We are told that if the law does not provide a penalty which is high enough to induce people to bring actions when no damage should be collected at all, suits will not be brought. Such a statement does not appeal to me as being consistent either with common justice or common sense. Is it meant that under our American system a person must be allowed to collect damages in cases where the act, whatever it may be, was innocent, in order that some person who has willfully committed a wrongful act may be forced to pay?

I can see that it might be less complicated if we should merely say that every one who commits a certain act, intentionally or otherwise, should be held liable. I concede that that might be easier, but the difficulty arises, as I see it, under the proposal, because of the fact that the court is given no discretion. The language of the bill is:

> (1) Such amount not less than one and one-half times and not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) $50. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. As was stated yesterday, the amount of $50 is arbitrarily chosen.

Mr. TUNNELL. That is what I object to, that it is an arbitrary figure.

Mr. RADCLIFFE. I wish to call to the Senator's attention that I stated on the floor of the Senate yesterday that it is my intention to offer an amendment reducing that amount to $25. The Senator might ask, "What is the difference in theory?" I am sure the Senator from Delaware is not going to take the position that the penalty should be the amount only of the overcharge; in other words if there were an overcharge of 15 cents that there should be a fine of 15 cents. We have a perfectly well-established practice in our courts and under our laws, of fixing by law some small figure as an arbitrary penalty. It seems to me that, though there may not be any particular directive for selecting some special amount, there is good reason why there should be some such amount required by law, and consequently I am going to suggest that the amount be reduced to $25.

I also wish to remind the Senator from Delaware that the committee has made a very material change in regard to the present law, because there is under the committee amendment only one amount required, rather than one for each violation. This makes a very material difference.

Mr. TUNNELL. I will say to the Senator that that still does not justify an injustice. I care not whether it is contended that a man who had collected 10 cents wrongfully but not willfully, must pay $25 or $50; the imposition of either amount as a penalty is unjustified. That is what I am arguing against. I have not heard any Senators who are defending the proposition say it is right and I do not think I shall hear anyone say it is right.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. A few moments ago the Senator from Connecticut [Mr. MALONEY], and also the Senator from New York [Mr. WAGNER], called attention to the fact that even in peacetime we had provided for penalties where there was not any willful intent to violate the law, so it is nothing new that is being continued in the committee amendment. It is a practice to which we have resorted

in very special matters, and not in the usual course of procedure. The O. P. A. is an emergency agency, and we must retain it. Its continued existence is imperative. Since it is an emergency proposition, an arbitrary provision as to penalties is not a novel idea. It is simply in line with what has been done many times in the past to meet special demands of public policy.

Mr. TUNNELL. Does the Senator mean to argue that the doing of a wrong in the past is a justification for doing it in the future?

Mr. RADCLIFFE. Most assuredly not.

Mr. TUNNELL. Then why present that argument?

Mr. RADCLIFFE. I am not presenting such an argument. That is the interpretation which is being put upon my argument, but that was not what I said or intended to say. I said that we found out in our jurisprudence a long time ago that under some exceptional circumstances there must be some arbitrary form of punishment irrespective of the matter of intent. That is not new. That is an historic policy.

Mr. TUNNELL. I take the position that there has been absolutely no circumstance shown here which justifies or requires the doing of an injustice, and the Senator has not shown any such instance.

Mr. RADCLIFFE. Would the Senator prefer that I speak in my own time and not interrupt him?

Mr. TUNNELL. I do not care. If the Senator wishes to give us some reason why an injustice must now be done in order to obtain justice, I am perfectly willing to listen.

Mr. RADCLIFFE. Let me remind the Senator of what I have said before, that this type of penalty is not a novel idea.

Mr. TUNNELL. I am not talking about that. Is it an injustice?

Mr. RADCLIFFE. No.

Mr. TUNNELL. Then we differ, and there is no use for us to argue the question. If the Senator says it is not an injustice to collect 750 times the amount of the overcharge, then he and I are on entirely different grounds.

Mr. RADCLIFFE. Let me say to the Senator that when injustice is spoken of one must be sure one has looked at the matter from all relevant viewpoints. If it is essential—and there may be a difference of opinion with respect to it—that the O. P. A. be continued, and the Senator from Delaware in the beginning of his presentation made a very eloquent statement in regard to it, when he said the O. P. A. must be continued——

Mr. TUNNELL. That is correct. I still say so.

Mr. RADCLIFFE. I do not mean to suggest to the Senator for one moment that merely because some other Member of the Senate has reached any conclusion he necessarily should follow that viewpoint, but, if the Senator will permit me, I should like to recall some circumstances which I think might properly be borne in consideration. This O. P. A. legislation has been in existence for several years.

Mr. TUNNELL. Mr. President, I prefer not to yield to hear the Senator tell what has been done as an injustice. I want to know why an injustice done in the past should justify a present or future injustice. If the Senator will get down to that, I will yield, but I will not yield to have him merely say that there have been injustices in the past and, therefore, they should continue.

Mr. RADCLIFFE. I have said nothing of the sort, but I will not trespass on the Senator's time. I think it is reasonable that he should continue with his argument and not hear my views if he is so inclined. But I wish to say—I will put it in one sentence, and shall attempt to amplify when I have the opportunity—that when we consider the matter of injustice we must regard it from the larger standpoint, and not merely from the standpoint of isolated instances. The Senator and I in this world do many things that we would rather not do. We are subjected to certain restraints, legal and otherwise, because they are required by the public welfare. We have such a thing as public policy with which we must accord if we are to live in community life. We submit to many regulations and restrictions, some of which may seem onerous and some unreasonable, but if there is a sound principle of public policy underlying them, it justifies often the individual hardships and the course which is being dictated by public policy.

Mr. TUNNELL. I do not think anyone is going to say that the instances in which the overcharge is small are comparatively few. I think if we could obtain the facts, we would find that such cases would be a hundred times as many as the large overcharges. Now to place in a bill the provision that if there is an overcharge of 1 cent, or of 10 cents, there must be a penalty of at least $50——

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. TUNNELL. Yes.

Mr. MURDOCK. The Senator realizes, does he not, that we are not now putting such a provision in the bill?

Mr. TUNNELL. It is here.

Mr. MURDOCK. The Senator voted for it. That language is exactly the same as in the present law, and the Senator voted for it.

Mr. TUNNELL. Yes, but we have found that it is wrong, and I am advocating an amendment which eliminates the wrong, if the Senator understands my position.

Mr. MURDOCK. I do not misunderstand the Senator, but I do not want him to entertain the mistaken idea that we were now for the first time writing this language into the law.

Mr. TUNNELL. The Senator is getting back to the same argument the Senator from Maryland made, that there have been wrongs committed in the past, and that therefore future wrongs are justified. I do not see the wisdom of that argument.

Mr. MURDOCK. I am sorry I interrupted the Senator. I will not do it again. I will answer him in my own time.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. CHANDLER. The Senator from Delaware and the Senator from Kentucky both voted for the provision, but now that we have found we were wrong, we are opposed to that wrong, and this is the first opportunity we have had to correct it. If the Senator wishes to stay wrong, very well.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. HAWKES. I should like to say that we have found by experience that, because millions of men and women have been taken from their ordinary places of business, men who are honestly trying to conduct businesses have been interfered with in handling their affairs and many mistakes are unintentionally made.

Mr. TUNNELL. That is correct.

Mr. HAWKES. The Senator says, according to my understanding, that this body should be in favor of simple American justice.

Mr. TUNNELL. Yes.

Mr. HAWKES. The Senate is in favor of extending simple American justice so that when a man has not made a mistake intentionally and willfully, and when he has taken all the precautions he can take, having in mind the kind of help he has had forced upon him because of war conditions, when he has not done anything willfully wrong, when such conditions exist the courts shall have the right to listen to him and exonerate him when he offers proper excuse for his acts. I agree with the Senator from Delaware absolutely; it is not a question of the fine, it is a question of the stigma placed on an innocent man.

I wish to say, Mr. President, that I do not believe there is a Member of the Senate who, if he would apply this rule to himself, if he were operating a business and were doing the best he could possibly do to conduct his business honestly and to support the O. P. A., and if he made a mistake through some clerk who was unfamiliar with the regulations or some new sales person who had been forced upon him, would want to be stigmatized in his community by a fine of $50.

Mr. RADCLIFFE. Mr. President, will the Senator yield to me for a moment?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. A short time ago the Senator from Massachusetts referred to the instance of a man going out on the street and finding 104 violations in one day. Is that a health situation? Does it show enforcement? I do not know who the violators were, but can we believe that any reasonable effort was made to observe the law, when one man found 104 violations? Probably there were tens of thousands or hundreds of thousands of violations in that area, and the fact suggests that the law was being flouted generally.

Mr. HAWKES. Mr. President, I do not agree with the Senator that the law is being flouted generally. I believe there are in this country people who do not wish to obey, and there always will be. But I say that it is not proper to disregard our American standards of justice. I say that it is not healthy for a boy on

the firing line to get word from his father back home that he has been fined $50 for doing an innocent act, when he was trying to support the war effort on the home front.

Mr. WEEKS. Mr. President, will the gentleman yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. TUNNELL. I yield.

Mr. WEEKS. I do not think the Senator from Maryland has quite accurately quoted me. I did not say that a certain person in one day found 104 violations. In a period of 40 days, shopping in 1,000 stores, or using 1,000 examples, he found 104 different violations in different stores. If he had found 104 violations in one day, under the terms of this amendment, the judge naturally would have had to say that that merchant could not possibly have taken practicable precautions against a recurrence of the violations, and the judge would, therefore, have assessed a fine.

Mr. TUNNELL. Mr. President, I repeat that I have not yet heard anyone, except the Senator from Maryland, state that it is not an injustice to collect a fine of from 500 to 750 times the amount of the overcharge. In the debate I have not heard that argument used.

In criminal matters it is always proper, when it comes to assessing a fine and determining the amount of the fine, to show that the person charged with the offense did not intend to commit it. If a person charged with a violation goes before a jury in a criminal case or in a civil case and says he did not intend to strike the man with his automobile, and that he was using every precaution, that is a defense. It is recognized as such. But under the existing law and under the pending bill, if it becomes a law just as it is worded, it is not a defense.

The argument is made that I voted for it in just that form. Those who make that argument are going back to the idea that because I have done wrong once, that justifies my doing so again. Here is something which has been discovered. Here is an amendment which will eradicate a wrong. I am in favor of eradicating the wrong, and I think it is just and right to do so. Either the court, the jury, or someone should have a right to use discretion. It should not be the law that because someone has blindly shown that another person has violated the law unknowingly and unwittingly, he should be punished by a fine of from 700 to 800 times the amount of money involved, in addition to the stigma to which the Senator from New Jersey [Mr. HAWKES] has referred, and which in many instances is perhaps the heaviest penalty which could be imposed. As I understand the pending bill, it does not remedy that situation at all.

In other words, under the existing law and the pending bill, the question is not whether the violation was intended; but the only question is—to use an analogy—Did the automobile strike the man? If it did, and if death resulted, the driver of the automobile is liable.

That is not American justice. It is not the justice to which I have been accustomed in the courts. It is not the justice to which the Senator from Maryland is accustomed; because I have practiced in the courts of his State, and I know they try to administer justice. The present law and the bill as it is written are not in accord with the principles of justice.

Mr. RADCLIFFE. Mr. President, will the Senator recall a statement made a short time ago by the Senator from Connecticut, when he spoke of a person who drives through a red light? If a person drives through a red light, even though he may do so innocently, does the court ordinarily accept the explanation that he did so innocently?

Mr. TUNNELL. Yes, Mr. President; a court takes that into consideration; and in many thousands of cases no fine is imposed.

Mr. RADCLIFFE. But that is not an answer.

Mr. TUNNELL. The Senator asked if the court takes it into consideration. It certainly does.

Mr. RADCLIFFE. Let me put my question in another way.

Mr. TUNNELL. Very well; I shall be glad to have the Senator do so.

Mr. RADCLIFFE. If the Senator will look up the records of a police court or a magistrate's court or any court at all which has to pass on violations of traffic regulations, he will find that every day in a very large percentage of cases fines are exacted, although there may be no intent to violate the law.

Mr. TUNNELL. Yes; and in a very much larger percentage of cases the court does take into consideration the manner and the attitude of the person who violated the regulation, and whether he was taking reasonable precautions. If the court does not take such matters into consideration, it is not doing its duty; and if the Senate does not take into consideration the very right of the matter, in writing these laws, it is not doing its duty.

Mr. RADCLIFFE. Does the Senator understand that it is customary in traffic violations to have the intent of the person be the controlling factor?

Mr. TUNNELL. The Senator is endeavoring to get back to the point of whether some wrong has been done in the past in traffic violations and, if so, that it is a reason for continuing the wrong. I do not think it is, even in Maryland.

Mr. RADCLIFFE. The Senator challenged me to cite an illustration. I am telling him that the magistrate's courts in Maryland, the courts in the District of Columbia, and the courts in practically every State, including, I assume, the State of Delaware, every day are punishing for traffic-law violations people who do not intentionally violate the law.

Mr. TUNNELL. I will say that the judges in Maryland and in Delaware and in every other State with which I have ever had anything to do, take into consideration the criminality or the negligence, in civil cases, of the person accused.

Mr. RADCLIFFE. Is that true in the case of a violation of a parking regulation?

Mr. TUNNELL. Yes; it is.

Mr. RADCLIFFE. Is that true in the case of a person who overparks, and who says he failed to look at his watch to keep track of time?

Mr. TUNNELL. If there were proper signs indicating the boundaries of the restricted parking area, that fact is taken into consideration. If there were no such signs, that fact is taken into consideration. The degree of negligence enters into the matter every time.

Mr. RADCLIFFE. Does the Senator refer to violations of parking regulations?

Mr. TUNNELL. I do not know how many judges will overlook those considerations, but I am talking about the laws and the way they are administered.

Mr. RADCLIFFE. I am simply asking the Senator from Delaware to tell me what is customary in the case of violations of traffic regulations. Fines are frequently imposed against persons who had no intention to break the law.

Mr. TUNNELL. I am telling the Senator from Maryland that in cases of traffic violations, as in all other cases about which I know, the courts use some common sense. But the Senator is asking them not to do so in this case.

Mr. HAWKES. Mr. President, will the Senator yield to me, in order that I may make a statement?

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Delaware yield to the Senator from New Jersey?

Mr. TUNNELL. I yield.

Mr. HAWKES. In the case of traffic violations, the person who is charged with the violation is the person who was driving the automobile. In the case of the sales and overcharges now in question, for which a person may be penalized, that person may have been 20 miles or 50 miles away from the spot where the overcharge was made. He may have had forced on him help which he would not use under any ordinary conditions in his store. Today the merchants are getting along as best they can.

Mr. President, while I am on my feet I wish to say that I think the O. P. A. is doing a good job. I think it is vitally important that it be supported. There is nothing more important than to control inflation. I, too, like the Senator from Delaware, do not believe we have to dispense with genuine American justice in order to enforce the O. P. A.

Mr. TUNNELL. I thank the Senator. That is exactly my position.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. JOHNSON of Colorado. I regard the Senator as a very able lawyer, and I wish to ask him a technical question. I notice the following language in line 4:

It shall be an adequate defense.

What is the significance of the word "adequate," when used in that connection? Does it mean a complete defense? Why would it not be better to say that

it shall be an admissible defense? "Adequate" seems to me to be a very sweeping word in that connection.

Mr. TUNNELL. I ask the Senator if an adequate defense does not mean an admissible defense?

Mr. JOHNSON of Colorado. That is what I wish to find out.

Mr. TUNNELL. It certainly does.

Mr. JOHNSON of Colorado. "Adequate" seems to me to be a very sweeping word.

Mr. TUNNELL. I do not know what an "admissible" defense is. An adequate defense is a complete defense. An "admissible" defense may be a defense which is offered, and which may be accepted or rejected by the court. That is my idea of the distinction. However, I believe that it should be a complete defense.

The only justification for assessing a penalty of $50 or $25 for a 10-cent overcharge is as a matter of punishment. If it can be shown that there was no negligence, and that every precaution was taken to prevent the violation, or if it can be shown "that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation" what is there to punish the defendant for?

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. REVERCOMB. With respect to the inquiry made by the able Senator from Colorado as to the use of the word "adequate" does not the word "adequate" mean sufficient? Is not an adequate defense a sufficient defense to the charge?

Mr. TUNNELL. Yes; I think it means a complete defense.

Mr. REVERCOMB. In this instance it seems to me that the proper construction of adequate is a sufficient defense to the particular charge.

Mr. TUNNELL. As I have said, that is taken into consideration in civil cases by juries, and in criminal cases by the court in fixing the punishment. But under the language of the bill the court would have no discretion. It would have to punish with the largest fine or assessment possible—"whichever is larger." The court would have no discretion, under the terms of the bill, if it should be proved that there was no negligence and that the violation was innocent or perhaps justifiable. It might be justifiable, and yet the court must fix the punishment at the greater amount. I think it is one of the most unfair proposals that I have ever seen attempted to be put into a statute.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RADCLIFFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Revercomb
Ball	Gillette	Reynolds
Bankhead	Green	Robertson
Barkley	Guffey	Russell
Bilbo	Gurney	Shipstead
Brewster	Hatch	Stewart
Bridges	Hawkes	Taft
Brooks	Hayden	Thomas, Idaho
Buck	Hill	Thomas, Okla.
Bushfield	Holman	Truman
Butler	Jackson	Tunnell
Byrd	Johnson, Colo.	Tydings
Capper	La Follette	Vandenberg
Caraway	McClellan	Wagner
Chandler	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Overton	Willis
Ferguson	Radcliffe	Wilson
George	Reed	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment.

Mr. REVERCOMB. Mr. President, the subject before the Senate at the present time deals with the infliction of a civil forfeiture or a penalty for a violation of the Stabilization Act. The sole question boils down, as I see it, to this: Under the present statute, if a merchant or one selling goods sells merchandise above the O. P. A. ceiling price, regardless of whether the overcharge is intentional or not, regardless of the circumstances, regardless of how innocent the seller may be, he is subject to a penalty.

It is stated that in forfeiture cases in an action brought by the purchaser the seller shall be liable for reasonable attorney's fees and costs as determined by the court. In addition, the seller must pay an amount not less than one and one-half times and not more than three times the amount of the overcharge, or $50, whichever, I understand, shall be the larger amount.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. RADCLIFFE. I may say to the Senator that there is an amendment, which has the support of the committee, which would substitute the amount of $25 for the present amount of $50.

Mr. REVERCOMB. I thank the Senator for the information, but I do not believe the fixed amount makes any difference. Whether the penalty be $25, $50, or $1, the sole question is whether or not a man is guilty of a willfully wrongful sale, of desiring to violate the law, or of having failed to take precautions against violation—or whether he is innocent of trying to violate the law. The sole question to be determined by us is whether the law shall stand, and subject a man to punishment even though he has taken precautions not to violate the law.

The amendment which has been offered, Mr. President, is a very fair one. It would not require that the seller must be proved guilty of a willful act. It would merely give to the seller an opportunity to show that his act was neither willful nor the result of failure to take practicable precautions against the occurrence. In other words, the burden would be placed upon the seller to show that he was not willful in having violated the law, or had not failed to take practicable precautions. He would stand before the court guilty until he showed that he was not guilty. The amendment simply gives him an opportunity to truthfully show his status.

Today I have listened to the interesting and able arguments which have been made. I recall one argument which has frequently been made, namely, that we are engaged in a war. Unhappily we are engaged in a war; but the fact that we are engaged in a serious war is no reason for inflicting upon the civilian population of the country penalties which are unfair, or for passing unfair laws. It seems to me that it is ordinary justice for a man who is charged with violating a law to have an opportunity to come into the court where he has been charged with the violation, and say in effect, "I wish to prove that my act was not a willful one; that I took ordinary care and precaution not to violate the law, and that I have used all reasonable means to maintain my position as an innocent citizen." Indeed, what good purpose will the courts of this land serve; how, indeed, may justice and right be said to guide our courts if a penalty is to be inflicted upon the innocent and the guilty alike?

Some have called this an automatic penalty and seem to feel that because it is automatic that it is right. I do not follow that course of reasoning. A penalty upon the innocent is wrong whether it be automatic or the result of judgment after trial.

To show the practical side, let me say that the merchants of the country—and I am not presenting the cause of any particular merchant—whether they operate large stores or small stores, are employing clerks who are green and untrained; yet if one of the clerks innocently makes an overcharge of a few cents, under the law as it is written today, the owner of the store must pay a penalty of $50, and he has no right under the present law or the proposed law to say, "I did not intend to commit that act and I took every precaution I could to prevent it from occurring."

It seems to me, Mr. President, that when the Congress undertakes to place upon the civilian population a penalty because of an act, over which in many instances the man has no control, we have gone far afield from the principles of simple justice as we know them and have known them in this country.

The argument was made that those in the armed services suffer severe penalties. I believe a case was cited of a soldier going to sleep at his post. He did not intend to go to sleep, but he was sent to the penitentiary. I want to say if that is the practice in the Army of the United

States today, it is a disgrace and a shame. If a soldier has not the right to show extenuating circumstances, however high his duty may be, and to show reason or excuse for his act, then we had better inquire into such conduct. I know of a similar case in the last war; I know it first-handed. A young soldier went to sleep on post. He had been ill and had missed his sleep night after night because of extremely arduous duties assigned to him. When he was called before a general court martial, the fact of his illness and the fact of his overtime service were presented and heard, and he was acquitted. I hope that that practice still obtains in the Army of the United States.

Returning to the immediate subject before the Senate, I say, Mr. President, that if one commits a criminal act, under the provisions of the law, before he can be convicted of a criminal offense and punished, it must be shown that his act was willful. Yet in order to recover a civil penalty it is necessary to show only that an overcharge occurred, however innocently it may have occurred.

I may point out, Mr. President, that unless the proposed amendment is adopted, there will be put upon a parity those who willfully violate the law and those who unintentionally violate it. I do not believe the Senate wants to do that. Regardless of the history and the use of forfeitures, I do not consider it an argument in this case that a forfeiture may have been provided in other laws. If we let the law stand as it is proposed to be passed without this amendment, remember, the guilty and the innocent will be punished alike.

Mr. ELLENDER. Mr. President——

Mr. REVERCOMB. I yield to the Senator from Louisiana.

Mr. ELLENDER. I believe that the distinguished Senator from Connecticut made it very clear that the main purpose of having written the law as it now stands was in order to have civilians become interested in reporting violations. Does the Senator not feel that adoption of the amendment which is now proposed would remove that incentive?

Mr. REVERCOMB. I do not feel so, because if a customer is overcharged and desires to take the matter into court he is not going to take it into court unless he feels he has been wrongfully overcharged. Certainly, he is not going to take into court a man who, he feels, innocently overcharged him. And if anyone is vicious enough to try to collect from an innocent seller, this amendment protects the innocent. The present law does not.

Mr. ELLENDER. It strikes me that it would certainly remove that incentive. What would happen would be that in order to enforce the act it would be necessary for us to appropriate millions of dollars so as to provide sufficient watchers to see that the law was enforced.

Mr. REVERCOMB. I do not hold the view of the able Senator from Louisiana, but, even if I did, I would not subscribe to the principle of doing a wrong in order to afford an incentive to others to bring the wrong to light.

We are here passing a law that will absolutely bind the courts. As was stated by the judge—and I was very much impressed by it—when he was inflicting the penalty in the case in Kentucky—he remarked, in substance, that if there was any fairness and any justice in this law as applied to an honest, painstaking, careful merchant, as in the case before him, he failed to perceive it.

The purpose of the amendment is to give to the judge the power to hear the man who may be brought before him and give that man an opportunity to say "I will prove my innocence, and I will prove that not only was the act not willful but I will prove that I took every precaution to prevent it."

Does the able Senator think that when a merchant, whether a merchant in the country, in a town, or in a city takes every honest precaution he should be mulcted in damages, for that is what it is, although called a penalty. Fifty dollars, twenty-five dollars, or one dollar is not to be considered; it is a question of whether or not we ought to take a penny from him. If he is guilty make him pay the full amount, but if he is innocent give him an opportunity to show that he is innocent of the act charged.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. REVERCOMB. I yield.

Mr. GILLETTE. As a matter of interpretation may I ask the Senator what in his opinion would be the interpretation in a court action of the degree of precaution that is defined as "practicable"?

Mr. REVERCOMB. I think that it would be entirely within the discretion of the court to say under the circumstances what was practicable, just as the questions of fact are left to a jury under the circumstances of the case.

Mr. GILLETTE. Would it be the Senator's interpretation that it would be reasonable precaution? Would that be the interpretation?

Mr. REVERCOMB. Yes.

Mr. GILLETTE. I think "practicable" is defined as what is to be put in practice, as feasible, and I am wondering whether that definitive word, that adjective, is the word it is really desired to use.

Mr. REVERCOMB. I believe that the word is properly used. It is a matter of judicial determination of what is practicable under the circumstances of the case presented.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. REVERCOMB. I am glad to yield.

Mr. WHITE. Is it not a fact that it is an application of judicial discretion or the exercise of judicial discretion?

Mr. REVERCOMB. Based on what the judge decides is practicable.

Mr. WHITE. Upon what the judge admits before him as evidence. While I am on my feet may I ask another question?

Mr. REVERCOMB. Certainly.

Mr. WHITE. I am not sure that I understand altogether what is involved here. The amendment, as I understand, transfers the burden of proof from the one charging the offense to the defendant charged with the offense and requires of the defendant that he shall establish by affirmative proof some sort of a negative. He has to prove that what he has done was not done intentionally or whatever the statutory word may be. Is not that a complete shifting of the legal principle that the burden of proof must rest on the person making the charge?

Mr. REVERCOMB. It is indeed a shifting of the principle, but I should like to point out to the able Senator that in the law as it is proposed today the defendant will not be given an opportunity even to defend upon the ground that his act was innocent and that he took every precaution to prevent it. The amendment goes further than the usual burden of proof principle. It puts upon the defendant the burden of proving that he is innocent.

Mr. WHITE. Of proving a negative?

Mr. REVERCOMB. Of proving a negative.

Mr. WHITE. In other words, the amendment, whether one likes it or not, is a relaxation from the rigors of the present law?

Mr. REVERCOMB. It is.

Mr. WHITE. Because under the present law, if the fact is established, and only the fact, there is a conclusive presumption of guilt.

Mr. REVERCOMB. Exactly so; and I think that is the viciousness of the present law.

Goodness knows the merchants throughout this country are harassed enough today with regulations. The seller of goods is required to make report after report. A great threat is constantly held over him by his Government. He lives in an atmosphere of control and threat, and now we are asked to pass a law providing that when he makes a mistake he cannot come before a court and say, "I am innocent, and I can show I took every precaution."

Mr. RADCLIFFE. Will the Senator from West Virginia yield?

Mr. REVERCOMB. I yield.

Mr. RADCLIFFE. Not that it has any bearing on the merits of whether the provision should be in the law or not, but an inference might be drawn which I am sure the Senator from West Virginia does not mean, that this is a new feature being incorporated into the law. The provision is now in the law.

Mr. REVERCOMB. The Senator is correct, the feature is now in the law. It is a bad feature, in my opinion, it should be eliminated, and it will be eliminated if the amendment shall be agreed to.

Mr. MURDOCK. Will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. MURDOCK. The Senator does not take the position, does he, that this has never been done before in a Federal statute?

Mr. REVERCOMB. Oh, no; I stated that forfeitures had been provided before, but because they exist in other in-

stances does not justify placing them in this measure.

Mr. MURDOCK. Does the Senator take the position that subparagraph (a), under section 205, which provides for injunctions, is also mandatory? The language which I refer to reads as follows:

In any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

Does the Senator take the position that that language is mandatory on the court?

Mr. REVERCOMB. Yes; I take the position that it is mandatory, and I take it we will be relieved from that mandatory language by the amendment now offered.

Mr. MURDOCK. If the distinguished Senator will read the opinion of the Supreme Court in the Hecht case, he will find that the court has held that the language in subparagraph (a) is not mandatory, and that the courts of the United States and the State courts, on the question of an injunction, have discretion, despite that mandatory language. If there has been a decision of our Supreme Court which upholds the position the Senator takes on the other language, I am not familiar with it; but I call his attention to the fact that the only case, in my opinion, which has been handed down by the Supreme Court of the United States on this question, and which is a construction of the language of subparagraph (a) under section 205, holds that the courts do have discretion in granting injunctions.

I feel, if the Senator will be indulgent for a moment longer, that whenever a case reaches the Supreme Court on the grounds the Senator from Kentucky has pointed out, without doubt the Supreme Court will say, in that type of case, that the courts have discretion to do equity.

Mr. REVERCOMB. I am very happy to be advised of the Hecht case and I am glad the Supreme Court placed the interpretation upon the statute that it did in that case, although it may have involved a stretching of language. I remember that case went up from Washington to the Supreme Court, and I am glad to have it brought to my mind. As I recall the case, the statement made by the able Senator from Utah is correct as to the holding. But if that be so, let there be no question of doubt as to the meaning the Senate desires to place upon the language it uses in the proposed statute. Let the Congress, as to injunctions under O. P. A., follow the holding of the Supreme Court in unmistakably clear language. But the Hecht case did not, if I recall rightly, deal with the question of a forfeiture or penalty. It dealt solely with the question of injunctive action.

Mr. MURDOCK. That is correct.

Mr. REVERCOMB. Mr. President, the amendment now under consideration will prevent a store from being closed, will prevent the infliction of a money penalty if the one charged is innocent, or if he can prove that he has taken reasonable precautions. It affords the defendant an opportunity to present a defense if he has a defense. I say, Mr. President, that appeals to me as simple, ordinary, straight-forward justice. In this instance, I think a great wrong will be done to the merchants and vendors of this country if they are not permitted a day in court to prove, if they can, that the action, the sale, or the overcharge, was innocent, and in addition, that they had taken every precaution to prevent an improper charge being made.

The amendment goes to a very basic principle of right. It gives to the man charged with wrong a chance to be heard, and only by its adoption can one charged with making an overcharge be heard to say that he had taken practicable precautions to prevent the wrong from being done.

If the measure shall be permitted to stand as it is written, without the pending amendment, the guilty would have the same standing and judgment in court with the innocent, and the innocent would suffer equally with the guilty.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 11, 15, 17, 18, and 19, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 59 of the bill in line 10 strike out the colon and insert in lieu thereof a period; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 10, 12, 13, 20, and 21.

PAT MCCARRAN,
KENNETH MCKELLAR,
RICHARD B. RUSSELL,
WALLACE H. WHITE, Jr.,
CLYDE M. REED,
Managers on the part of the Senate.

LOUIS C. RABAUT,
BUTLER B. HARE,
THOMAS J. O'BRIEN,
KARL STEFAN,
Managers on the part of the House.

The report was agreed to.

The PRESIDING OFFICER (Mr. DOWNEY in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4204, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 6, 1944.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 5, 8, and 20 to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 21 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"During the fiscal year 1945 the Secretary of Commerce ay delegate his authority to subordinate officials of the Coast and Geodetic Survey, the Weather Bureau, and the Civil Aeronautics Administration, to authorize payment of expenses of travel and transportation of household goods of officers and employees on change of official station: *Provided*, That in no case shall such authority be delegated to any official below the level of the heads of regional or field offices."

That the House insist upon its disagreement to the amendments of the Senate numbered 10, 12, and 13 to said bill.

Mr. McKELLAR. Mr. President, I move that the Senate agree to the amendment of the House to Senate amendment numbered 21.

The motion was agreed to.

Mr. McKELLAR. I move that the Senate further insist upon its amendments numbered 10, 12, and 13 to the bill, request a further conference with the House thereon, and that the Chair appoint the same conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCCARRAN, Mr. MCKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. CONNALLY, Mr. WHITE, and Mr. REED conferees on the part of the Senate at the further conference.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.).

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] for himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. TAFT. Mr. President, I do not have any great sympathy with the Price Administration, and I intend at a later time in the debate to set forth the abuses of administration which I think have occurred; but I do feel that price control is an essential feature of our war economy. I think we must have such control if we are to prevent a tremendous increase in prices over and above what they should be.

Mr. REVERCOMB. Will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. In view of the fact that the Senator follows me upon this subject, I wish to say that I agree with him that price control is necessary in wartime. Much as I fundamentally am opposed to fixing prices, I agree with the Senator that in these times it is justified. But I do not think that Congress, the declarer of policy and the maker of the law, should so have it that the innocent may be made to suffer. That is not necessary and it is not just.

Mr. TAFT. Mr. President, the whole price control, which is extraordinary, can only be justified, in my opinion, in time of war. I am in favor of abolishing it just as soon as we can abolish it after the war. But if we have it, it must be enforced, and the most important enforcement, perhaps, comes in the enforcement of retail prices. That is to save the small country stores, and the chain stores, which sell small and inexpensive articles.

It is said a 2-cent overcharge is nothing. A 2-cent overcharge goes to the very essence of price control. After all, we are trying to hold prices somewhere near stable figures. I think perhaps we should let them go up 5 percent a year. But a 2-cent overcharge is often a 20-percent increase in price. It is essential that the whole scale of prices be adhered to. Probably a 2-cent overcharge is much worse than a $100 overcharge. Hundred-dollar overcharges are easy to detect, but many small overcharges creeping into the retail stores of the country will bring an end to enforcement of price control.

Let us see what we confront in trying to enforce the law. We have provided for a criminal penalty. Of course, we provided that to convict a man criminally it must be shown that his offense is willful. Incidentally, it is far too expensive and elaborate a process to use against every small store or chain store which happens to violate a price regulation. It cannot be done. The district attorney does not have time to worry with such cases and bring the elaborate proceedings involving not only a fine but imprisonment for the person who is convicted. The act also gives the right to require licenses and to revoke licenses. That certainly is a most drastic penalty and ought not to be employed except in extreme cases. As a practical matter for enforcement against day-to-day violations it is almost a useless weapon.

The third weapon we have given is what is called an automatic fine, and that is what it really is. Congress has said, and the question is, Shall Congress continue to say that if a man persists in violations of the act he shall pay an automatic fine? That is the question. It is a question of whether that is a wise means of enforcing this particular law, and I am inclined to think it is. There is no question of the individual's guilt. He is guilty. The whole basis of the appeal is for individuals who have violated the price regulations. There is no question of civil liability. Violators can be sued. Civil liability does not require willful violation. Civil liability is always based on the fact. We go somewhat further, because this is a semicriminal proceeding. A fine is involved. But it is not going to result in sending anyone to jail. It is going to do no more than penalize an individual for a violation which is not willful. I do not think it is an extreme measure to take in time of war.

The amount may be excessive. I think triple damages are excessive. The committee reduced the figure to one and one-half times, so that one who can show that he did not commit a violation on purpose can be fined only 50 percent in addition to the overcharge where the overcharge is not more than $50.

I think most of the complaint which is made in the Senate is based on the theory that $50 may be a very excessive penalty for a 2-cent overcharge. I do not say that the $50 penalty may not be too much. Perhaps it ought to be $25 instead of $50. But I still believe that about the most effective means of enforcing this law with respect to retail prices and against retail stores is by an automatic fine. That is what we have provided in this particular measure.

There have not been a great number of cases brought. If we make it optional with the judge, if we provide that the defendants can come in and show that they are not to blame, and that then there shall not be any recovery, we will not have any consumer suits at all. The Office of Price Administration might bring suit at times, but there will not be any consumer suits, because no consumer can be in a position to controvert the contention made by the storekeeper that he issued proper instructions to his clerks. Suppose the chain-store manager comes forward and proves that he issued instructions not only to his clerks directly but that he sent a man around to all the stores who taught his clerks what to do. That lets him out. How can anyone ever bring a suit with any hope of success against a chain store under such circumstances? An individual cannot go inside the chain store organization and prove what happened in the organization, or whether there was or was not negligence. The evidence is all within the mind of the storekeeper himself.

Mr. REVERCOMB. Mr. President——

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. TAFT. I yield.

Mr. REVERCOMB. The Senator acts as the judge of the act in this case in saying what would be a defense. It is left to the judge under the circumstances to say whether due precautions were taken.

Mr. TAFT. No; the point I am making is that this provision is intended to enlist consumer assistance in connection with enforcement. If the Price Administrator himself must enforce the provision he is going to find it to be an impossible job. It cannot be done. So he wants consumer assistance, and we confer on the consumer the benefit of this automatic fine, but no consumer can possibly bring a suit with any hope of success for an overcharge hereafter if we have this possible defense provided. The consumer cannot answer that defense. We might just as well face the problem, as it is. If the amendment is adopted it will kill the automatic fine method of enforcement.

Mr. President, in my opinion an automatic fine for violations of price-control regulations is the most effective means of enforcing retail price control, and without it the enforcement of retail price control will be seriously handicapped. I do not think an automatic fine for an innocent mistake, if you please, in time of war, is a serious infringement of any man's constitutional rights.

I think the Office of Price Administration is to blame for having pushed this matter further than they should have pushed it, for having brought many of the cases they have brought, for allowing to continue the cumulative business, which we have now eliminated. That may be. But still the fundamental question we have to decide is whether we want to leave in the act this method of enforcement with respect to retail sales.

After all, the fact that overcharges are as small as 5 cents or 2 cents makes no difference. In fact, those violations are far more difficult to punish, they are far more difficult to prevent, and far more destructive of ultimate price control than the $100 overcharges. So I do not feel that the proposal represents an unconstitutional infringement of rights, particularly in time of war.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WEEKS. The Senator from Ohio has stated that this is an automatic fine, and to me that is a new doctrine. The objective of the Price Control Act, with which every Senator must be in sympathy, is to keep prices down, but the method of achieving that objective is to catch the chiselers and the black-marketeers, and not to penalize the 999 out of a thousand merchants who under the most difficult conditions are trying to keep abreast of the regulations, changes in price, and everything that goes with them, who under the most trying circumstances are bound from time to time to make innocent mistakes. If those mistakes are repeated the merchant, of course, ought to be brought to account, but if an innocent mistake occurs the merchant ought to have his day in court, and the court ought to have some discretion in the matter.

Mr. TAFT. Mr. President, I wish to make one reservation, and that is that I do not know that I would approve of automatic fines in time of peace. There have been some such fines provided in wage-and-hour laws, for instance. But except in time of war when we have extraordinary controls I do not think such procedure can be effectively carried out. That is one reason why I think that the moment we can possibly get rid of the whole thing we ought to get rid of it. It has certain necessary hard features, and will always have such features. We cannot regulate millions of transactions every day without such a result. But if we are committed to this policy, as I think we are and as I think we ought to be, I do not believe the method of enforcement by automatic fine, as tempered by the committee, as reduced to $50 for all past offenses without cumulation, as reduced to a penalty of one and one-half times in cases of any substantial overcharge, is an unfair or too harsh a method of enforcing the Price Control Act.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of

himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. REVERCOMB. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Revercomb
Ball	Gillette	Reynolds
Bankhead	Green	Robertson
Barkley	Guffey	Russell
Bilbo	Gurney	Shipstead
Brewster	Hatch	Stewart
Bridges	Hawkes	Taft
Brooks	Hayden	Thomas, Idaho
Buck	Hill	Thomas, Okla.
Bushfield	Holman	Truman
Butler	Jackson	Tunnell
Byrd	Johnson, Colo.	Tydings
Capper	La Follette	Vandenberg
Caraway	McClellan	Wagner
Chandler	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Overton	Willis
Ferguson	Radcliffe	Wilson
George	Reed	

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Seventy-four Senators having answered to their names, a quorum is present.

The pending question is on agreeing to the modified amendment proposed by the Senator from Kentucky [Mr. CHANDLER] for himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment.

On this question the yeas and nays have been demanded and ordered.

Mr. BARKLEY. Mr. President, I simply wish to make a brief statement in regard to my attitude on the pending amendment to the committee amendment. Of course, I am very much embarrassed because the amendment to the amendment is offered by my colleague, and is offered in good faith by him, and is based largely upon an episode which occurred in the city of Louisville, involving one of the most reputable mercantile establishments in the State of Kentucky, the head of which is a very warm personal friend of mine. If I considered that a single episode and an isolated case involving this merchant or this establishment could justify a relaxation in what I think is one of the most vital methods of enforcing price control, I myself would feel inclined to vote for the amendment to the committee amendment. But I do not believe we can relax with safety the enforcement procedure and methods which have been established, and under which the American people have now lived for 2 years and more, without running a great risk of destroying the effective control of prices themselves.

Now we are appealed to by all sorts of groups, which can cite instances of hardship which have occurred, to vote for a general amendment which would cover their particular situations. I have been waited upon today by personal friends urging me to vote for amendments because of a peculiar situation which affects them and which affects my own State. If I or all of us should vote for all the amendments which particular groups of our friends are asking us to adopt because some individual hardship has occurred to them, we might as well repeal the Stabilization Act, and abolish price control altogether.

Of course, I do not say this for the purpose of indicating that the contrary is the truth; but I think that in this situation, in which we are called upon to deal with a very vital war problem, we must take into consideration the possibilities which may result from any action we may take. We owe it to ourselves and to the country to exhibit the same degree of courage which we would be expected to exhibit if we were involved somewhere else in this war effort and this war drive.

All penal statutes are made in order to curb the 5 percent, it may be, or less, of the population who may be criminally inclined. If it were not for the insignificant minority in numbers who insist on violating the law—every law which carries with it a penal statute—and if it were not for the fact that, beyond that group, there are always men who are willing to take a chance either of violating the law outright or of occupying a sort of twilight zone or a borderland between actual violation and observance of the law, we would not be called upon to pass criminal or penal statutes of any kind. If everyone were willing to recognize the rights of everyone else, we would not need many statutes, and we would not need much government. That is what I think Jefferson meant when he is alleged to have said—although it has been difficult for me to find the exact quotation—that that government is best that governs least. In an ideal state of society, in which everyone recognized the rights of everyone else, there would not be much need for government. But, unhappily, we do not dwell in that sort of society.

So I feel that if we are sincerely interested in curbing inflation, if we are interested also in protecting the consumer, who has some rights in this situation, we must be careful and we must be guarded as to the extent to which we relax the controls and methods of enforcement.

Mr. BRIDGES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BARKLEY. I yield.

Mr. BRIDGES. Did I correctly understand the Senator to say that he was unable to find in the works of Jefferson the words which he purported to quote?

Mr. BARKLEY. I do not know that that is very important so far as this amendment to the committee amendment is concerned. But Jefferson's works are voluminous. I have a set of 12 volumes of his works; and a new set, composed of 20 volumes, is soon to come out. So, year by year and day by day, new letters and new treatises by Jefferson on various subjects are being discovered.

Mr. BRIDGES. I was about to comment that I do not think the Senator has studied or followed Jefferson to any great extent in the past 11 years.

Mr. BARKLEY. I will accommodate the Senator by sending him a copy of one of the best speeches I have made in the past 12 years, on Thomas Jefferson. If the Senator will promise to read it, I will mail it to him tomorrow.

Mr. BRIDGES. I notice from the press that the Senator is now an author as well as a Senator, so I am delighted to read one of his speeches.

Mr. BARKLEY. I feel complimented by having the Senator recognize my merits as an author. I am sorry to say that I have received letters from others who are not so charitable toward my authorship as is the Senator.

Mr. BRIDGES. I grant that the Senator is an author, but I am certainly not in agreement with the script which he produces.

Mr. BARKLEY. In the first paragraph of that script I stated that my article was not intended to appeal to chronic Roosevelt haters or chronic Roosevelt worshippers, so the Senator is eliminated in the first paragraph. However, I do not wish to speak on that subject. I am trying to talk about a serious matter.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. To pour oil on the troubled waters, let me suggest that Alexander Pope first gave utterance to the thought suggested by the Senator.

Mr. BARKLEY. I thank the Senator. I should have expected the erudite Senator from Louisiana to have corrected me or the Senator from New Hampshire in any literary error we might have committed. I thank the Senator for setting the record straight.

Mr. President, let us get back to the amendment. I was saying that if we legislate in penal matters so as to make it impossible to deal with the very small and insignificant percentage of people who take advantage of the law, we might as well have no statutes at all.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. It had been my original intention to vote for what I thought was the purpose of the amendment, namely, to protect those who are innocent, and who might inadvertently or unintentionally violate some rule or regulation. I am quite sure that is the purpose of the Senator from Kentucky, and of every other Senator. There is no desire on the part of Congress or of any administrative agency unduly to inflict penalties upon those who unintentionally and unknowingly violate the law or the regulations. However, I find language in the amendment which frankly I do not understand. The amendment provides as follows:

> It shall be an adequate defense to any suit or action * * * if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful—

Then follows this language—

> nor the result of failure to take practicable precautions against the occurrence of the violation.

I ask the Senator whether he thinks the words which I have just read are of any legal significance. Have they ever been interpreted by the courts? Could they be applied, or would they open the door to almost anything?

Mr. BARKLEY. That is precisely the point I am coming to in what I had intended to be a very brief discussion of the amendment. I think the Senator from New Mexico is correct in his interpretation of the language.

Mr. HATCH. I have not interpreted it. I do not know what it means.

Mr. BARKLEY. That language would make it difficult for me as a lawyer to know how to interpret it if I were a judge on the bench and were required to pass upon it or to instruct the jury.

Mr. HATCH. I was about to ask how the Senator would instruct a jury on that language.

Mr. BARKLEY. I presume the only way a court could instruct a jury on that language would be simply to read the language itself, because the court would not know what interpretation to place upon it, or what specific act would constitute a lack of diligence on the part of the merchant in taking all practicable steps to avoid a violation of the statute. I do not know. If a judge were to undertake to interpret that language to a jury, he might make an erroneous interpretation, so probably all the judge could do would be to read the language to the jury and leave it to the jury to determine whether the defendant had exercised the proper diligence.

Mr. HATCH. Let me ask the Senator further if, in his opinion, the inclusion of those words would render the entire penalty provisions practically nugatory.

Mr. BARKLEY. I think so. Let us see what would be the result——

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. As I understand, the Senator from New Mexico would vote for an amendment containing the word "willful." Yesterday the Senator from Illinois [Mr. LUCAS] offered such an amendment, containing the words "willfully and knowingly" but the amendment did not elicit much support.

The Senator asked what the judge would say. A judge certainly would have the whole case before him, and he would instruct the jury in accordance with the proof which the defendant offered. This amendment provides that it shall be an adequate defense if the defendant proves, first, that the violation was not willful; and secondly, that he took all practicable precautions to avoid the violation. "Practicable precautions" mean that he read the regulations of the O. P. A.—and, God knows, they are numerous enough—and that he tried to make the regulations known to his employees. That language means that, notwithstanding the fact that he had inexperienced clerks, as many establishments have, he did the best he could to avoid the violation. My colleague did not know that the Senator from New Mexico would vote for an amendment which, so far as I know, nearly every other Senator opposes, and to which the O. P. A. is violently opposed. Such an amendment would insert the word "willfully" in the act.

Mr. BARKLEY. Mr. President, I am not interpreting the purposes or motives of the Senator from New Mexico. I agreed with his statement a moment ago. I fear this amendment as a whole would make absolutely nugatory the effort of the Office of Price Administration to enforce the statute.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. Let me say, in reply to the junior Senator from Kentucky, that it does not make any difference how I vote, or whether any other Senator agrees with me or not. The words "knowingly and willfully" have very well defined meanings in the law. If the amendment is adopted, I suggest that the very able explanation which the junior Senator from Kentucky has just given be incorporated by all the judges in their instructions to juries when they come to decide cases, because he has made it very clear.

Mr. CHANDLER. We cannot prevent judges from making erroneous interpretations of the law.

Mr. BARKLEY. Mr. President, let me pursue my discourse for a moment. Let us assume the case of a corporation which is being proceeded against, either by a customer or by the Price Administrator, for an alleged violation of the law. The proceeding is against the corporation. It is not against the girl at the soda fountain, the perfumery stand, the linen-towel counter, the shirt counter, or the hosiery counter. The proceeding is not against the little girl behind the counter; it is against the corporation. Let us assume that a proceeding is instituted against the corporation for violating a price ceiling. The president of the corporation may come into court and say, "I did not know that my corporation was violating the law." That would be proof that he did not do it willfully. He would not have to introduce another witness up to that point. The burden of proof would be shifted to the Government, and the Government would have to show, by positive evidence, that what the president of the corporation said was not true, and that he did know about the violation.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. This is the way the law would operate if the bill as it stands were enacted into law: In the case of an overcharge, even though the overcharge were refunded, the seller could be taken to court, and would have to pay the $50 penalty, and $25 counsel fees. The defendant would not be able to say a word in his own defense. The fact of the overcharge would be sufficient.

Mr. BARKLEY. I realize that; but I would wager my head against a hole in a doughnut that for every case taken into court in which a merchant had to pay $50 and $25 attorneys' fees for an overcharge of 10 cents, there have been a thousand cases which never got into court because no one went to the trouble of bringing a proceeding.

Mr. CHANDLER. Such a case arose in Louisville, Ky.

Mr. BARKLEY. I know about that case. I have already testified, along with my colleague, that the concern in Louisville to which reference has been made is one of the most reputable mercantile establishments in Kentucky. At the head of it is one of my warmest personal friends in the State of Kentucky. If I were to vote according to my sympathies, of course I would be inclined to support the amendment. But I do not anticipate that even that store will be taken into court in the future, because a burned child dreads the fire, and probably it would not be affected in the future by this amendment, because probably it will never again become involved in such a violation.

Mr. CHANDLER. They earnestly asked that we consider the amendment.

Mr. BARKLEY. That is true. They earnestly asked me to consider it, and I have earnestly considered it, and after earnestly considering it I feel that I should vote against it.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BREWSTER. Am I to understand that while the Senator feels that those persons have learned their lesson, and that the case is a just one, he does not wish to afford any relief?

Mr. BARKLEY. Oh, no; the Senator from Maine, with his sharp technical mind, places an interpretation upon my statement which is wholly unwarranted. On the contrary, I do not believe that we are justified in breaking down price control because of something which has taken place in one case. I will not vote for an amendment designed to make a general law to meet a particular isolated situation.

Mr. BREWSTER. If there should be no similar case, there would be no trouble, but if there are to be any more cases like the Kentucky case I shall vote for equal justice to all.

Mr. BARKLEY. Mr. President, it makes very little difference who has the burden of proof because, after all, in each case, the burden of proof is upon the Government. The burden of proof is now upon the Government to show a violation. If the proposed amendment were agreed to the burden of proof would be shifted to the violator of the law, and all he would have to do would be to testify that he had not known anything about the regulation, and then the Government would have to prove that he had known about it.

Mr. CHANDLER. Oh, no. The Government would make the charge, and would have to offer evidence in support of the charge. We contend that the defendant would then have to come into court and prove, first, that he had not willfully violated the law, and, second, that he had read the regulations and had taken all practicable precautions with the view to avoiding a violation. We would place the burden of proof upon the defendant.

Mr. BARKLEY. The burden of proof is first upon the Government. There are three stages in such a proceeding. First, the Government must prove that there was a violation of the law. Then all the defendant would have to do would be to say that he did not willfully violate the law.

Mr. CHANDLER. No; in this case all the Government has to do is to say in effect, "You overcharged 10 cents." The fine is automatic.

Mr. BARKLEY. It is true that the fine is automatic, but under the Senator's amendment the Government would still have to prove a violation of the law, and the defendant could say, "I did not do it intentionally," and the Government would be required to prove that the defendant had intentionally committed the violation.

Mr. CHANDLER. In the case to which we have referred the court said that he realized there were extenuating circumstances. He said he wished that he could do something for the defendants. He said in effect, "You are fine folks, and you paid back the money, but I cannot help you. You must pay a fine of $50 and $25 as an attorney fee."

Mr. BARKLEY. Under the law, not only in the case referred to but in cases before the Federal court, it is necessary to assess three times the amount of the overcharge, and the Federal judge is under the automatic compulsion of doing so, just as the local judge was compelled to do so in the city of Louisville.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. Allow me to read what the judge said in that case.

> If there is any element of justice, morality, or right in compelling a respectable and honest merchant, such as the defendant in this case, at such a time as the present, when experienced clerks are scarce and hard to obtain, to pay a penalty of $50 for an innocent mistake of 10 cents by an inexperienced clerk, in which the employer who is so mulcted had no part whatever, I have failed to discover it.

Mr. BARKLEY. I appreciate the comment of the local judge to the local merchant concerning that case, and I can well understand the human element which entered into it when he was commenting ex cathedra on the automatic operation of the law. We have been talking all day about chicken-feed cases, about 10-cent overcharges.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment.

We have taken up the time of the Senate today by talking about small matters. However, there are thousands of overcharges which may take place and have taken place, involving real money, such as $25, $50, or $100. In a case in which the seller had overcharged $100 or $1,000, and the Government proceeds against him, and has proved that he made the overcharge, under the proposed amendment he could say, "I am sorry it occurred, but I did not know about it. I did not intend to do it." In 99 cases out of a hundred it would be impossible for the Government of the United States to prove that the defendant had really intended to commit the violation willfully and knowingly.

So, while I am sure that we all wish to do justice in the case of a man who is compelled to pay $50 or $75, which may be a hundred times the overcharge, at the same time I think we must not lose sight of the fact that there have been some flagrant violators of this law, and that there will be more of them if we let down the bars so that they can escape merely by saying that they were innocent, and did not know about the law or the regulations, or that the clerk whom they had instructed violated the law by charging a few cents or a few dollars above the ceiling price.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WEEKS. Under the amendment the Government would not have the burden of proof. Under the amendment the defendant would not be innocent until proved guilty. He would have to establish his innocence by showing that he had not been willful, and had not failed to take practicable precautions.

Mr. BARKLEY. In proving that the violation had not been willful the defendant would not be required to bring in everybody in the community as supporting witnesses. The Government would not have to prove that he was willfully guilty. All the Government would have to do under the amendment would be to prove a violation of the law. Then the single unsupported statement of the defendant himself that he had not known anything about the law, that he was innocent and had not willfully committed a violation, would make it necessary for the Government to offset his testimony by proof to the contrary. If the Government should merely prove that the defendant had willfully violated the law, and one witness should swear before the court that he was innocent and lacking in knowledge, such testimony might be considered, in the absence of any contradictory evidence, as proof that the defendant was not guilty.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. STEWART. The Senator does not mean to state, does he, that the adoption of the proposed amendment would change the present rules of evidence?

Mr. BARKLEY. It would change the present rules of evidence in O. P. A. cases, but not the general rule of evidence in the Federal court.

Mr. STEWART. The general rule of evidence would control, would it not, in the trial of any jury case, even though the alleged offense had been an O. P. A. violation?

Mr. BARKLEY. Yes; except insofar as the O. P. A. law itself might restrict requirements relating to the Government. As the law now stands the Government is required only to prove violation.

Mr. STEWART. And as the law now stands the defendant is not allowed to make any defense?

Mr. BARKLEY. He may make a defense that he did not commit the violation, but under the present law he cannot defend himself on the ground that he was innocent, and that he did not know he was violating the law.

Mr. STEWART. That is correct.

Mr. BARKLEY. I believe that the hardships which result from the present law are insignificant in comparison with the hardships which will result to the consuming public if we open up this proposed loophole and allow anyone who desires to violate the law to come before the court and say, "Your Honor, I am sorry it happened, but I was wholly ignorant of the law." Although the defendant may state that he did everything he could to inform himself on the law, and instructed his clerks, and so forth, still the court would have to dismiss the case. In my judgment, there would be hundreds of cases in which persons would take chances in violating the proposed law, but would not do so under the present law.

Mr. STEWART. Allow me to ask the Senator a further question. The case would still be tried under the prevailing rules of evidence. The adoption of the proposed amendment would not change any rule of evidence which prevails at the present time in the trial of cases in the Federal court.

Mr. BARKLEY. Under the ordinary criminal statutes, in a case in which a man has been charged with murder, the Government has to prove some motive for the intentional killing of a human being. It must have been done willfully. with malice aforethought, or something of that kind. The rules of evidence which apply in the trial of ordinary criminal cases do not now apply in proceedings involving the O. P. A.

Mr. STEWART. The Government must make out its case under the law. If the proposed amendment were enacted into law, the defendant would be allowed to interpose the defense that the violation had not been committed willfully, and so forth, as provided in the statute. After all, the whole question would be a question of fact to be decided by the jury, would it not?

Mr. BARKLEY. Yes; but let me ask the Senator if he were on a jury and the Government proved a violation and the defendant came in and by his own testimony alone said he was innocent, that he did not do it willfully and he did not introduce any more evidence, and the Government could not introduce any witnesses to prove that he did it willfully, and the Senator went out as a member of the jury what would he feel that he would have to do? He would have to vote for acquittal.

Mr. STEWART. I will say in answer to that suggestion, that I think the rules of evidence that now prevail would still prevail. The facts necessary to make out a criminal case must be proved beyond a reasonable doubt, and I think that rule might apply here if this act were passed, because it provides for a penalty.

Mr. BARKLEY. If it is a criminal case those who are prosecuting a man

for a violation must prove that he is guilty beyond a reasonable doubt, but that is not the law in O. P. A. cases.

Mr. STEWART. The Senator means it is not the law now.

Mr. BARKLEY. No; a violation of the law itself now carries with it an automatic penalty.

Mr. STEWART. But it is necessary if it is a criminal case to prove beyond a reasonable doubt that the one charged did violate the law.

Mr. BARKLEY. Of course, it is necessary to prove it. If the defendant is given the right to testify that he did not do it intentionally or willfully, in all probability, in 99 cases out of 100 the result will be dismissal.

Mr. STEWART. He would still have to prove his case. His defense would have to create a reasonable doubt.

Mr. BARKLEY. He would not have to prove his defense beyond a reasonable doubt. All he would have to do would be to testify he was not guilty of the violation.

Mr. STEWART. I do not agree with the Senator. I believe that every fact necessary to be established for the conviction of any defendant must be established by the Government beyond a reasonable doubt, and any fact necessary to be established in behalf of the defendant which might clear him must create a reasonable doubt in the mind of the jury.

Mr. MURDOCK. Mr. President——

Mr. BARKLEY. I yield to the Senator from Utah.

Mr. MURDOCK. The amendment before the Senate has nothing to do with a criminal prosecution. The law makes it as specific as it can be made, that in a criminal prosecution the act complained of must be willfully committed, just as in any other criminal case.

I think what the senior Senator from Kentucky says about what would happen under the amendment of the junior Senator from Kentucky is simply that the burden of moving forward with the evidence shifts to the defendant, and after he introduces one syllable of evidence on the question that the act was not willfully committed, and that he had used all practical means of informing himself, then that evidence, uncontradicted, of course, is prima facie and under the terms of the amendment an adequate defense.

Mr. BARKLEY. And, of course, if it is an adequate defense, it means a complete defense, and almost an automatic dismissal of the proceedings.

Mr. MURDOCK. Yes; and then the burden shifts back to the Government to overcome the prima facie case. As the Senator from Tennessee said, under the rules of evidence, the fact of the defendant's willfulness must be proved by the Government by a preponderance of evidence.

Mr. BARKLEY. That is the rule.

Mr. MURDOCK. That is the rule which would be invoked.

Mr. STEWART. Let me say, since my name has been mentioned, and since the Senator from Utah refers to the rule of preponderance of evidence, that I understand that would control in civil cases, but the rule of reasonable doubt prevails in criminal cases. I wish to state also, by way of correction of my statement a moment ago when I said the Government must make out a case beyond a reasonable doubt—I said, as I recall, that the defendant must establish a defense beyond a reasonable doubt. I meant to say that if the defendant's defense should create a reasonable doubt in the mind of the jury he would be entitled to acquittal.

Mr. BARKLEY. The matter we are dealing with does not involve a criminal prosecution at all where the question of reasonable doubt arises because the amendment says that it shall be an adequate defense to any suit—that is, a civil proceeding—which may be instituted by a customer or by the Price Administrator if the defendant proves that the act was not willful.

Mr. President, let me, in conclusion, read what the District of Columbia Court of Appeals said on the subject in the case of Bowles against American Stores. I read a paragraph from the opinion which was recently handed down:

> Occasional hardship to one who honestly and intelligently endeavors to comply with the law is not too high a price to pay for the protection of the whole community against inflation.

That, to me, is the nub of this whole situation. If we try to eliminate all hardship cases which may appeal to us from the standpoint of justice, we run the risk of jeopardizing the entire enforcement of this law. It would, I think, do infinitely more harm to the general public and the whole community than that which might result from hardship in individual cases. For this reason I am unable to support the amendment of my colleague and the Senator from Massachusetts, much as I dislike to differ with them on any matter in which they are concerned, as they are in this.

Mr. WILEY. Mr. President, I have listened to much of the argument and I feel that the situation is one that could be very well cleared up if the officials, the Government attorney, the inspectors, would use a little common sense. I may relate an instance that occurred a good many years ago when as a prosecuting attorney it was my good fortune to have the friendship of a judge who had a remarkably fine legal mind. The judge said that the district attorney's office was the greatest judicial office in the Nation. I asked, "What do you mean?" He replied, "The district attorney must use common sense."

In the instance of violating the law cited by the junior Senator from Kentucky, 10 cents was involved. The reason the amendment was brought up here is apparent, because throughout the land there has been a lack of judicial ability by the inspectors who go forth sneaking into everybody's business and find here and there a little laxity, a trifling violation. I have no time for those who indulge in overcharging. An hour ago downtown I was told that there can be bought anywhere in New York City all the gas anyone may want if he will pay 36 cents a gallon for it. Why are the inspectors of the O. P. A. not up there investigating those grave violations? The point is, that someone in the case that was cited by the distinguished junior Senator from Kentucky did not show common sense. There was a violation; it was of no significance. The inspector could have found out whether it was intentional; he could have ascertained the facts; and he could have used judgment—common sense. Prosecuting officers represent the people as well as the State. Overambitious or overzealous Government employees do not make for good Government or good morale when they become persecutors. Right now when the Government needs the backing of all the people, it would be well if the head of the O. P. A. would issue an order to his agents and say, in substance, "When you go out and find these apparently unintentional violations, do not bring the man into court, do not get him to hate his Government, do not get him to have the idea that it is the business of the Government to step on business. Rather give him the idea that it is the business of Government to cooperate, to instruct, to enlighten, and to lighten the load of the citizen."

Mr. President, I shall vote for the amendment. I do not think it was necessary for this issue to come up and it would not have come up if the inspectors of O. P. A.—our public servants—had used what the judge to whom I have referred called "common sense." A little more of this quality in public servants would be of great help.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment submitted by the junior Senator from Kentucky [Mr. CHANDLER] and the junior Senator from Massachusetts [Mr. WEEKS] to the amendment of the committee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the junior Senator from Ohio [Mr. BURTON], who, if present, would vote "yea." I understand that, if present and voting, the Senator from Utah would vote "nay." I vote "yea."

The roll call was concluded.

Mr. HAYDEN. I have a general pair with the Senator from North Dakota [Mr. NYE], who, if present, would vote "yea." I transfer that pair to the Senator from New Mexico [Mr. CHAVEZ], who, if present, would vote "nay," and I vote "nay."

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Texas

[Mr. O'DANIEL], and the Senator from Florida [Mr. PEPPER] are necessarily absent.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] and the Senator from West Virginia [Mr. KILGORE] are absent on official business. I am advised that if present and voting the Senator from Nevada [Mr. MCCARRAN] would vote "yea."

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Illinois [Mr. LUCAS] are detained in Government departments on matters pertaining to their respective States.

The Senator from South Carolina [Mr. MAYBANK] is absent, attending the funeral of the late mayor of Charleston, S. C.

Mr. WHERRY. The Senator from Vermont [Mr. AUSTIN] is necessarily absent. He has a general pair with the Senator from Florida [Mr. ANDREWS].

The Senator from Ohio [Mr. BURTON] is necessarily absent. If present he would vote "yea." His pair has been heretofore announced.

The Senator from North Dakota [Mr. NYE] would vote "yea" if present. He is absent because of illness in his family.

The Senator from North Dakota [Mr. LANGER] and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 47, nays 27, as follows:

YEAS—47

Ball	George	Russell
Bankhead	Gerry	Shipstead
Bilbo	Gillette	Stewart
Brewster	Gurney	Thomas, Idaho
Bridges	Hawkes	Thomas, Okla.
Brooks	Holman	Tunnell
Buck	Johnson, Colo.	Tydings
Bushfield	McClellan	Vandenberg
Butler	McKellar	Walsh, Mass.
Byrd	Millikin	Weeks
Capper	Moore	Wherry
Chandler	Murray	White
Connally	Reed	Wiley
Cordon	Revercomb	Willis
Eastland	Reynolds	Wilson
Ferguson	Robertson	

NAYS—27

Aiken	Guffey	Murdock
Barkley	Hatch	Overton
Caraway	Hayden	Radcliffe
Clark, Mo.	Hill	Taft
Danaher	Jackson	Truman
Davis	La Follette	Wagner
Downey	McFarland	Wallgren
Ellender	Maloney	Walsh, N. J.
Green	Mead	Wheeler

NOT VOTING—22

Andrews	Johnson, Calif.	O'Mahoney
Austin	Kilgore	Pepper
Bailey	Langer	Scrugham
Bone	Lucas	Smith
Burton	McCarran	Thomas, Utah
Chavez	Maybank	Tobey
Clark, Idaho	Nye	
Glass	O'Daniel	

So the amendment of Mr. CHANDLER and Mr. WEEKS to the committee amendment was agreed to.

Mr. CHANDLER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. WEEKS. I move that the motion of the Senator from Kentucky be laid on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the committee amendment on page 10, beginning after line 20, as amended.

The amendment, as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment of the committee was on page 11, after line 17, to insert:

TITLE II—AMENDMENTS TO THE STABILIZATION ACT OF OCTOBER 2, 1942

COTTON TEXTILES

SEC. 201. Section 3 of the Stabilization Act of October 2, 1942, as amended, is amended by adding at the end thereof the following new paragraph:

"Any maximum price established or maintained under authority of this act or otherwise for any textile produce processed or manufactured in whole or substantial part from cotton or cotton yarn shall be not less for any specific textile item than the sum of the following: (1) The cost of the cotton or yarn involved, plus the cost of delivery of such cotton or yarn to the point of processing or manufacturing, as determined by the War Food Administrator; (2) the total current cost of whatever nature incident to processing or manufacturing and marketing such item, computed at a uniform figure that will cover the costs of any manufacturer or processor among the manufacturers or processors of at least 90 percent by volume of such item; and (3) a reasonable profit on such item, in addition to the costs computed as provided in clauses (1) and (2) The maximum price established for any textile item under this act or otherwise shall be adjusted to the extent necessary to conform with the requirements of this paragraph within 60 days after the date of its enactment. For the purposes of this paragraph, the cost of any cotton shall be deemed to be not less than the parity price for such cotton (adjusted for grade, location, and seasonal differentials); except that for the 60-day period beginning 120 days after the date of enactment of this paragraph, and for each subsequent 60-day period, if the actual current market value of such cotton at the beginning of such period is lower than such parity price, the cost of such cotton during such 60-day period shall be deemed to be the actual current market value at the beginning of such period, and whenever a change is made in such cost of cotton a corresponding change shall be made in the maximum price for each specific textile item. The method that is now used for the purposes of loans under section 8 of this act for determining the parity price or its equivalent for seven-eighths inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths inch Middling cotton at such average location for the purposes of this section; and any adjustments made by the Secretary of Agriculture or the War Food Administrator for grade, location, or seasonal differentials for the purposes of this section shall be made on the basis of the parity price so determined. For the purposes of this paragraph, the terms 'textile product' and 'textile item' mean any product or item manufactured or processed in whole or substantial part from cotton or cotton yarn by any manufacturer or processor engaged in the manufacture or processing of such product or article from cotton or cotton yarn."

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ELLENDER. What amendment is now before the Senate?

The ACTING PRESIDENT pro tempore. The committee amendment beginning at the bottom of page 11, section 201.

Mr. ELLENDER. What became of section 109?

The ACTING PRESIDENT pro tempore. That is the committee amendment which was just agreed to.

Mr. BANKHEAD. Mr. President, I wish to submit some observations on the committee amendment commonly known as the cotton textile amendment.

I have been and will continue to be a supporter of fair and just price control. I abhor administrative injustices which grow out of failure to observe the intent of the law. I am convinced that my amendment will help stabilize the cost of living. Notwithstanding the outrageous misrepresentations about the effect of my amendment which have been broadcast and otherwise publicized, I believe its passage and administration in good faith will make cotton clothing more abundant and less expensive, and will thereby help prevent inflation.

The O. P. A. could handle the matter administratively if it chose, without any change in the law. Instead, it has resisted all proposals and suggestions for improvement in administration. That is why my amendment is before the Senate today.

The Price Administrator issued orders—and I hope the Senate will grasp this statement—establishing ceiling prices including practically all cotton goods on June 28 and December 24, 1941, and April 9 and 28, 1942.

These ceilings, with very slight modifications on some schedules, have been in effect since that time. The ceiling prices were related to the price of raw cotton; and in explanatory statements at the time when ceilings were established it was stated that the ceiling prices provided more than ample margins for the mills to pay more than the parity price for the cotton. Extracts from the explanatory statements on this subject will be submitted later.

Mr. MURDOCK. Mr. President, will the Senator yield for a question concerning the parliamentary situation?

Mr. BANKHEAD. I yield.

Mr. MURDOCK. Yesterday afternoon the Senator spoke about submitting some amendments to his amendment. Did the Senator do so?

Mr. BANKHEAD. I will do so before my amendment is voted on.

Mr. MURDOCK. I thought the Senator requested that they be printed.

Mr. BANKHEAD. I did not send them to the desk, but I have given them to the press.

Mr. MURDOCK. I thank the Senator.

Mr. BANKHEAD. Mr. President, the farm price of cotton, at the time of the issuance of the last and most important of the price-ceiling schedules, was 45 points above the parity price. The farm price promptly started to decline, and since May 1942, with the exception of a

few times when it barely got above parity, it has been below parity. On April 15, 1944, it was 20.24 cents. On May 15, 1944, not quite a month ago, and the last date on which an official price is available, the price was 19.80 cents. In short, during the last 30 days the price has gone down 44 points, or $2.20 a bale. On that date the parity price was 21.08 cents. The selling price, therefore, was 128 points, or $6.40 a bale, below parity on the 15th of last month. While the prices of processed cotton goods selling under a 2-year-old ceiling are perfectly stabilized, and the retail cost of manufactured cotton goods such as dresses and work garments of every kind is steadily increasing in price, the farm price of cotton has been declining.

In order that Senators may better understand that situation, let me say that we have had the ceiling on cotton goods for 2 years. It is still in effect. There has been no change of any consequence in the price received by the mills for cotton goods manufactured by them. So that part of the cotton industry has been stabilized for 2 years. Whatever inflation has occurred in the sale of cotton clothing is not due to any increase in the prices of manufactured cotton cloth and is not due to any increase in the price paid to the producers of the cotton. For 2 years, now, that situation has prevailed, and now the price of cotton is going down. The ceiling price of cotton goods is not changing, but the price of cotton clothing is going up by leaps and bounds. The cost of cotton clothing has assumed the proportions of a national scandal, without any increase in price to the farmers or to the cotton mills.

The O. P. A. claims that my amendment would break the line. That is a claim used frequently against anything which the agency dislikes, whatever the reason for the dislike. Most Senators on this floor are familiar with this O. P. A. claim. I hope our experience has taught us to go behind this kind of defense. It is an all-day sucker that the agency uses liberally in an effort to stop all cries of protest. I do not propose to let it pacify me, or keep me from what I consider my duty; and I know there are others whom it will not pacify.

I propose, however, to examine this assertion that my amendment would break the line by causing a tremendous increase in the cost of living. Before I do that, let me state what the amendment does. To begin with, it covers any textile product made principally out of cotton or cotton yarn. It would require O. P. A. to conform to the Price Control Act by fixing textile ceilings at a price which would reflect parity to the producers of raw cotton. The law requires that this be done, but the O. P. A. admits it has fixed ceilings on several textile items with the price for raw cotton calculated at a figure well below parity. It is apparent, I think, that cotton can never go to parity and stay there for any length of time if the ceilings on textiles are such that they will not enable some manufacturers to pay parity.

I will confine my discussion to cotton. My amendment would require O. P. A. to fix ceilings on textiles at a price that will reflect parity to the producer of cotton. Second, it would require O. P. A. in calculating textile ceilings to cover the manufacturing costs of 90 percent by volume of a textile item. This may seem a bit complicated, but I can clarify it by a simple example. By way of illustration, let me cite denim, a textile item used principally in the manufacture of overalls and other work garments. Under my amendment, the cost to the manufacturers making 90 percent of the denim would be covered. The 10 percent left out would be the highest cost, least efficient mills. I felt we should not try to cover the costs of all the mills. O. P. A. can deal with the 10 percent, if it wishes their production, on a special basis.

The reasons for covering the costs of 90 percent also are simple. What we need today is a greater production of textiles. So long as the present scarcity obtains, O. P. A. will have great difficulty in keeping prices down. This war has shown that the real enemy of inflation is abundance—abundance of production. Look at the experiences with hogs, potatoes, and eggs. One way to keep prices in line is by producing to the utmost. I realize that we cannot have enough of every item to fill all needs. So long, however, as there is a fairly ample supply of a particular commodity, price control will not be too difficult. Under such circumstances, both rationing and price control can be made to work.

Mr. WHERRY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BANKHEAD. I yield.

Mr. WHERRY. I should like to ask whether that is not also true as to cattle.

Mr. BANKHEAD. It is absolutely true. It is true of any commodity. When there is not enough to go around real trouble begins. Neither rationing nor price control then will prove effective.

The crying need of the textile situation today is more production. The consumption of cotton is declining at an alarming rate. I assume most Members of the Senate know that the word "consumption," when used with reference to cotton, means the grinding up by the cotton mills, not the wearing of cotton clothes by consumers.

Over the 19 months from January 1942 through July 1943 the rate of consumption of cotton in the United States averaged 43,574 bales per working day. During the 9 months of the 1943–44 season, however, consumption has averaged only 39,022 bales per day. The consumption of cotton this season may be 1.4 million bales less than in 1942. No one can say that that is due to the fact that there is not an adequate demand for cotton goods. There is such a scarcity of cotton goods in the stores of this country as has never existed before. There is a supply of raw cotton available for consumption by the mills which is as great as has ever existed—10,000,000 bales—and still the consumption of cotton, and particularly work clothes and goods for working people, is decreasing day by day. That results, of course, in an increase in the number of bales in the warehouses, because cotton is not being consumed by the mills at the average rate which has prevailed for the past 2 years.

The need for textiles is fully as great as it was in 1942. Shortages of labor account for some of the decline, but only for a part of it. I have become convinced that O. P. A. pricing policies have sharply curtailed the production of badly needed textiles. I see no hope of a change in these pricing policies unless we approve this amendment.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WILEY. I am paying very close attention to what the Senator is saying.

Mr. BANKHEAD. I have noted that, and I appreciate it.

Mr. WILEY. I am interested, first, in trying to understand how, under the provisions of the amendment, the producer would get what he should get for his cotton—presumably parity—and secondly, how under the amendment more cotton would be consumed.

Mr. BANKHEAD. I intend to cover those points, if the Senator will wait without regarding me as discourteous.

Mr. WILEY. Not at all.

Mr. BANKHEAD. My amendment has one other feature. It provides a reasonable profit on textile items. In my opinion, the existing act provides for a reasonable profit on textiles and all other items on which price ceilings are placed, but, as some of us have learned, we do not know our own laws by the time the executive agencies get through interpreting them.

Summing up, my amendment has three major objectives. It has as its primary aim parity prices for cotton; and, in this connection, let me point out that wheat and cotton are the only major commodities that have been consistently below parity. Wheat is now only slightly below parity.

Second, we are trying to increase the production of badly needed cotton clothing and cotton goods. Third, I think the mills are entitled to reasonable profits on the goods they manufacture, and we leave the question of what is a reasonable profit to O. P. A.

The O. P. A. insists that the textile mills are able to pay parity for cotton under existing ceilings. In a written statement presented by the O. P. A. to the Senate Banking and Currency Committee on April 25 last, while hearings were in progress, it was stated:

> Is the price of cotton below parity because the textile companies cannot pay more for cotton?

That is a proper question. The O. P. A. itself asked it.

> The evidence against such a contention is overwhelming.

That is the statement of the O. P. A. The O. P. A. says that the cotton mills have the necessary money, indeed, ample funds, to pay parity for cotton.

The evidence against such a contention is overwhelming. The ability of the mills to pay higher prices for cotton, and, indeed, to pay higher than parity prices, can be shown by a comparison, first of all, of mill earnings in the year 1942 with the representative peacetime earnings, and then by a comparison, based on a somewhat smaller sample, of 1943 earnings, with those of 1942.

After some further expressions, the O. P. A. statement continues:

It is thus clear that the earnings of the textile mills are more than ample to permit a rise in the price of cotton to parity and above.

I have the statement before me, if any Senator wishes to see it. It is a printed document.

Mr. President, in the face of that positive declaration by the O. P. A. within the past few weeks, we find the O. P. A. and its advocates and supporters claiming that if parity prices are required to be paid for cotton, we shall have a runaway price inflation, when the O. P. A. has been insisting—possibly before it knew the effect of such a position—that the cotton mills, within their price ceilings for the goods, have ample funds to pay parity prices.

Taking O. P. A.'s statement at its face value, I cannot understand the agency's refusal to adjust the textile ceilings in those cases in which these ceilings are fixed so low that they fail to reflect parity to the farmers and in those cases in which the ceilings are too high.

It is not my contention that the cotton mills are making a profit on all the articles which they manufacture, but it is my belief that on numerous articles which they are now manufacturing under ceiling prices they make a sufficient profit to pay the farmers the parity price for cotton. On the other hand, I am quite sure that there are items, especially low-priced goods used by the working people, with respect to which a larger number of the mills do not have ample funds, within the ceiling prices on the low-cost goods, to pay the parity price for cotton. For that reason, the ceiling fixed over those mills, which has been in existence for 2 years, depresses the price of cotton to a point definitely and injuriously below parity.

To anyone who knows anything about cotton, it is evident that the price of cotton cannot go to parity so long as O. P. A. ceilings do not reflect parity. It is true that the ceilings may reflect parity on some items. At present, mills which pay the lowest prices for cotton, however, tend to set cotton prices all along the line. This is true because there is a fairly ample supply of raw cotton. The mills whose ceilings reflect less than parity are forced to pay less than parity for their cotton. This, in effect, reduces the prices that the mills with more favorable ceilings pay. On an average, the price of cotton has been three quarters of a cent below parity for more than a year, and the mid-May price was a cent and a quarter below parity. As I pointed out a little while ago, the price of almost every other major commodity is well above parity. As a matter of fact, the index of farm prices is 114 percent of parity. Through the failure of cotton to reach and attain parity, Cotton Belt producers are losing more than $40,000,000 annually, and the O. P. A. says that the mills have ample funds to pay that amount. I cannot make sense out of O. P. A.'s refusal to adjust prices in those cases in which they admit their ceilings do not reflect parity. Let me put in the record a few instances of what is happening. There is no dispute about these figures. They have been used over and over again by the National Cotton Council without refutation from O. P. A. For example, the ceiling on combed yarn, made from 1 1/16-inch cotton, reflects a price 2.18 cents below parity for the raw cotton. This is $10.90 a bale. The ceiling on print cloth, drills, denims, chambrays, coverts, towels, ginghams, bed spreads, blankets, and corduroys is 1.71 cents below parity in the case of raw cotton. This is $8.55 a bale. I could give many other examples, but these illustrate my point and clearly show that this is a serious matter to the cotton industry.

The costs of producing cotton are mounting steadily, but the farmer's product on the average remains more than $5 a bale below parity. The O. P. A. is sitting on the lid, and in so doing is violating the law.

During this controversy, I have asked one question which has not yet been answered. Why does not O. P. A. raise the ceilings in the cases in which they are obviously too low, and reduce the ceilings in the cases in which they are obviously too high? If, as O. P. A. contends, the mills are able to pay parity, my amendment will not cost the consumers of this country a cent. O. P. A. can raise the ceilings that are too low, and lower those that are too high. That would be common sense and good administration. They have been urged to take such action. They have declined to do so, and I understand it has been asserted that they do not have the legal power to reduce ceilings when once established.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. ELLENDER. Will the Senator point out anything in his amendment which would cause the O. P. A. to take a different course with respect to fixing ceilings than what has been provided for?

Mr. BANKHEAD. A few moments ago I made a statement to the Senator from Wisconsin [Mr. WILEY] with reference to the point which the Senator has raised. However, if the Senator from Louisiana insists upon it, I will go into the subject now. I am willing to go into it now.

The escalator clause in this amendment requires the O. P. A. to estimate the cost of producing the different items of cotton. In making the estimate of cost it is provided that the parity price of cotton shall be deemed to be the current cost to the mills. As I have frequently stated, the present price is not up to parity. However, it is intended to require the cotton mills either to pay parity for their cotton, or, under the escalator clause, to have their ceiling prices correspondingly reduced. We feel sure that by the adoption of the amendment the cotton mills, friendly to the producers of all their raw materials, would cease to profit further by the windfall they have been enjoying for 2 years, and would prefer to raise the price of cotton to parity.

Mr. MALONEY and Mr. MURDOCK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. BANKHEAD. I yield first to the Senator from Utah.

Mr. MURDOCK. Would there not be a tremendous windfall to the mills on all their inventories of cotton if the proposed amendment were adopted?

Mr. BANKHEAD. There would not be. The mills have enjoyed the windfall for a long time. The amendment is proposed to end the windfall.

Mr. MURDOCK. The Senator has said that the mills have not been paying parity for cotton.

Mr. BANKHEAD. That is correct.

Mr. MURDOCK. The Senator's amendment provides, however, that in arriving at the maximum prices for textile products the O. P. A. must deem that the mills paid parity. Would not that amount to a windfall?

Mr. BANKHEAD. For 60 days the windfall would be the same as that which had been enjoyed.

Mr. MURDOCK. I am asking the Senator if there would not be a windfall immediately upon the adoption of the Senator's amendment, and continuing during the first 60 days.

Mr. BANKHEAD. I should like to ask the Senator if he would be willing to deprive the poor cotton farmer of benefits in order to deprive the mills for 60 days of the windfall they have always had.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. The Senator from Utah has spoken of inventories of cotton which the mills now have. I may say that there are practically no inventories of cotton at the mills today. The inventories are at the lowest point they have been for many years. The inventories of which the Senator speaks do not exist.

Mr. MURDOCK. Whatever the inventories may be, there would be a windfall, would there not?

Mr. EASTLAND. I doubt it.

Mr. MURDOCK. The Senator from Alabama has stated that there would be.

Mr. BANKHEAD. I said the mills would not be deprived of the windfall. It is a technical question, as the Senator well knows. It is a very insignificant item when considering the entire situation.

Mr. MURDOCK. The Senator asked me if I wished to deprive the poor farmers of the South of any advantage.

Mr. BANKHEAD. Yes.

Mr. MURDOCK. Unless I change my mind by reason of what I hear in the debate on this amendment, I intend to offer an amendment which would raise the loan value of cotton to 100 percent of parity. There would then be no question whatever of the farmers being benefited instead of the mills and the cotton exchanges throughout the country. I have asked the Senator if he is willing to benefit the cotton farmers and leave the cotton exchanges and the mills out of the picture, and vote for my amendment to give 100-percent parity loans to the cotton farmers of the South.

Mr. BANKHEAD. We will deal with that matter when the Senator offers his amendment. The Senator knows that I will not equivocate or dodge.

Mr. MURDOCK. I know the Senator never does.

Mr. BANKHEAD. However, the present is not the time to deal with the question.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McCLELLAN. I wish to make an observation with reference to the windfall to which reference has been made.

If this amendment will do what it is hoped it will do, the issue will be whether the windfall shall be perpetuated by the inaction of Congress or the O. P. A., or whether we shall act and discontinue the windfall which has been enjoyed for the past 2 years. If the amendment is so worded that the consequences of it will be what are hoped for by the authors of it, we will discontinue the windfall. Otherwise, as the law now is, or as it is being administered, it will be perpetuated.

Mr. MURDOCK. I thought my question was a simple one. Whatever the inventories of cotton may be today, if they were bought for less than parity, and the effect of the amendment were to provide that in the computation of their prices the mills were assumed to have paid parity, I do not see how any Senator could deny that there would be a windfall during the first 60 days.

Mr. BANKHEAD. In other words, the position of the Senator is that in preference to a windfall for 60 days he would continue the windfall indefinitely.

Mr. MURDOCK. No; I want an amendment adopted during the consideration of the pending bill which will guarantee to the cotton farmers of the South 100-percent parity loans, and then no cotton exchange may rob the farmers of parity.

Mr. BANKHEAD. The Senator had an opportunity to present such an amendment during the course of a long series of hearings, but he did not do so. Others besides the Senator in the last few days have proposed such an amendment, when it was evident and clear that its object was to defeat the amendment contained in the bill.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MALONEY. I should like to preface my question by saying that I am very anxious to see the cotton farmer get full parity. Then I should like to say that no man can have a greater appreciation of the sincerity of the Senator from Alabama than I have; and I might add that there are no names or words more magic here than "Bankhead" and "cotton." I hope the Senator from Alabama will not consider this question presumptuous; it is not intended to be impertinent, and I think it is timely. I should like to know if the Senator from Alabama would accept as a substitute for his amendment the proposal just suggested by the Senator from Utah—a 100 percent parity loan.

Mr. BANKHEAD. Does not the Senator know? Is he merely trying to interrupt my argument?

Mr. MALONEY. I apologize.

Mr. BANKHEAD. I asked, Does the Senator not know?

Mr. MALONEY. I do not know.

Mr. BANKHEAD. I will state to the Senator that I will not accept it for the reasons which I shall state when we come to it.

Mr. MALONEY. I thank the Senator.

Mr. BANKHEAD. I knew the Senator from Utah knew because I told him.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. In the last few days before the committee several suggestions were made, one by me that we adopt a resolution providing for a parity loan. The Senator from Alabama was not very kindly disposed toward that particular suggestion.

Mr. BANKHEAD. The Senator heard my statement, did he not, that I did not favor it?

Mr. WAGNER. I do not desire to interrupt the Senator.

Mr. BANKHEAD. If the Senator from New York and other Senators desire that I discuss the subject now, I have no objection to discussing it.

Mr. McKELLAR. Go ahead.

Mr. BANKHEAD. Very well.

Mr. President, there is a vast difference between the farmer taking his cotton to town, going to the cotton buyer, and getting 100 percent parity in money, and taking it to a warehouse, making all the necessary preliminary papers, carrying on the required operations, paying the costs incident thereto, and putting it in storage and then paying so much a month until the market absorbs the cotton.

As the Senator knows, there is another element that enters into this problem. Take a crop of 11,000,000 or 12,000,000 bales of cotton at $100 or $125 a bale, and talk about getting from the Treasury of the United States a sufficient amount of money to take over that entire cotton crop and put it in storage. It might involve a billion dollars' worth of cotton, and the money would have to be appropriated from the Treasury of the United States. The Senator is a fair man, and I know he will recognize the difficulties of one commodity relying upon a transaction of that kind; and, of course, other commodities might be added. There is a limit, especially in times of war when the Government is securing its money by selling bonds and other securities in order to prosecute the war. Why make such a suggestion, involving a staggering amount as a loan, when if the pressure were taken off and there were removed the ceiling over cotton, which we think is responsible for its price staying down for 2 years, in the due course of trade cotton would bring its price and the farmers would get their money? If, however, they are forced to put it in a warehouse and pay the storage charges and insurance, before very long the farmers would have a very substantial loss on every bale of cotton stored because the price could not go up. Heretofore when the farmers put their cotton in a loan it was because the price was down far enough to justify them in believing that they would not only ultimately get out of the market a better price for cotton than they would get under a loan, but there would always be a chance to make a profit by the enhancement of the price of his cotton. No such opportunity as that is afforded the farmer when he puts his cotton into a loan at the ceiling price; there is then no chance for it to go up, not even to go up sufficiently high to cover his charges.

Why should the cotton farmer be treated in that way and be forced to assume obligations which lessen his assets, when the spirit of the law—indeed, the letter of the law—is that ceilings must not be fixed upon any processed agricultural commodity that do not reflect full parity to the producer?

That is what the Senator proposes to do. That is one reason I am opposed to it. It is not a new position for me. The loan program was incorporated in the Stabilization Act last year at the suggestion of the President of the United States. It had been carried before, as most of us know, in another act, simply a loan act, but it was put in the Stabilization Act at his suggestion, and it is one of the best things he has done for agriculture, providing, as it does, that the loans shall continue as mandatory loans for 2 years after the war ends.

I was called into a small conference particularly to discuss the cotton problem. As I recall, the chairman of the committee, former Senator Prentiss Brown, and the Senator from Kentucky [Mr. BARKLEY] were present.

Mr. WAGNER. Does the Senator mean a conference at the White House?

Mr. BANKHEAD. Either at the White House or at the office of Senator BARKLEY. The Senator from New York was there.

Mr. WAGNER. Yes.

Mr. BANKHEAD. It was suggested that there be a 100-percent-cotton loan.

(At this point a message from the House of Representatives was received, and Mr. BANKHEAD yielded to Mr. HATCH to present a conference report on Senate Joint Resolution 133, the debate and action on which appear at the conclusion of Mr. BANKHEAD's remarks.)

Mr. BANKHEAD. Mr. President, I assume, from the statement of the Senator from Utah about the exchanges, that he would favor closing all exchanges, the wheat, cotton, and all the other exchanges.

Mr. MURDOCK. Inasmuch as the Senator has mentioned my name, let me say that I do not wish to see anything done that would injure the cotton farmer or any one else who has to do with the cotton industry of the South.

Mr. BANKHEAD. I am glad to hear the Senator make that statement. I have not seen him vote that way many times.

Mr. MURDOCK. I wish the Senator would point to one vote, except on the amendment we are considering, when I have not voted with the South on questions affecting cotton.

Mr. BANKHEAD. I do not know of any vote on cotton we have had.

Mr. MURDOCK. In the more than 12 years I have been a Member of Congress cotton has been frequently before it, and I have never voted contrary to the interests of the southern cotton growers.

Mr. BANKHEAD. Cotton has only been before us in connection with wheat, and corn, and the other basic commodities.

Mr. MURDOCK. I do not know why the Senator should assume that merely because I do not happen to agree with his amendment, I desire to destroy anything. What I want is to be sure that if the people of the United States are to be assessed for parity payments on cotton, the cotton farmer will derive the benefit instead of the mills and the exchanges.

Mr. BANKHEAD. Very well. We will consider that point now. In the first place, the people of the United States are not going to be assessed for parity unless there is adopted some plan such as that of the Senator, under which he wishes to pay them 100 percent on a loan, and lock the cotton up in a warehouse.

Mr. BUTLER. Mr. President, I should like to have the Senator from Alabama yield to me, as I desire to ask the Senator from Utah a question with reference to the remark he just made. He said that he was perfectly willing the farmer or producer should get the parity price, but he did not want any processor or middleman, or words to that effect, to get anything.

Mr. MURDOCK. I did not say that. The Senator is misconstruing my language. I cannot understand why Senators want deliberately to misconstrue the statements of a colleague here on the floor of the Senate. I do not any more want to injure an exchange or a mill than does the distinguished Senator from Nebraska, but I do not want to put a price on the people of the United States, when parity is deemed to have been paid to the cotton farmers, when they do not get it, but it is held by the exchanges or the mills.

Mr. BANKHEAD. Then the Senator should vote for the amendment. That is exactly what we are trying to accomplish.

Mr. MURDOCK. If the Senator can convince me that that is what will happen, I shall vote for his amendment.

Mr. BANKHEAD. As the old hymn says:

While the light holds out to burn, the vilest sinner may return.

Mr. MURDOCK. I am interested in the Senator's statement, and I shall sit here to the end of it.

Mr. BANKHEAD. I appreciate that.

Mr. BUTLER. I am sorry if I misunderstood the remark the Senator from Utah made, and he does not need to answer the question, but it seems to me that the processors, the merchandisers, those who deliver service—I mean real service—are entitled to a share of what the commodity ultimately brings, just as is the man who plants; and I am one of those who plant and raise commodities. I was rising to make objection to the understanding I had of the remarks of the Senator from Utah.

Mr. WHERRY. Mr. President, will the Senator from Alabama yield while I ask a question of the Senator from Utah?

Mr. BANKHEAD. I yield.

Mr. WHERRY. I was very much interested in the statement the Senator just made about the farmer getting the parity price. I agree with him. I am wondering whether he would be in favor of continuing to pay the consumer's subsidy, which in the case of meat goes to the processor, which in turn goes to the consumer, but does not go to the producer, and therefore our cattle producers are not getting the parity price.

Mr. MURDOCK. Mr. President, will the Senator from Alabama yield so that I may answer the question?

Mr. BANKHEAD. I yield.

Mr. MURDOCK. I happen to be in the cattle business in a small way, and I happen to know that the cattle producer is not suffering greatly as a result of present prices. This is what I favor: After the experience of the O. P. A. officials with food subsidies, I am willing to take their word that it is cheaper for the people of the United States to pay a subsidy rather than raise prices all along the line.

Mr. WHERRY. If the Senator from Alabama will yield for another comment, that does not answer the question I asked the Senator from Utah, and I am very serious.

Mr. MURDOCK. I also am serious.

Mr. WHERRY. It is my feeling that not a dime of the consumer subsidy that is paid to the processor of meat reaches the producer, and because of that fact the cattle producer is not getting for his product within a dollar and a half a hundred of what he should get under the Stabilization Act. I am asking whether the Senator feels that we should continue to pay the consumer subsidy on meat, when that subsidy does not go to the producer.

Mr. MURDOCK. The only subsidy in which I am interested is the subsidy that is paid under the language of the Price Control Act, and that subsidy is limited to boosting production. If the men administering the O. P. A., after 2 years of experience—men like Fred Vinson, men like ex-Justice Byrnes, of the Supreme Court, and men in the O. P. A. who have handled this matter for 2 years—tell me that, in their opinion, it is cheaper to pay the subsidy than to raise the price of meat, I am willing to take a chance on their judgment.

Mr. WHERRY. The only authority given to Judge Vinson, whom the Senator has mentioned, to pay the consumer subsidy on meat is the authority in the act behind the producer's subsidy which the Senator just mentioned, is it not?

Mr. MURDOCK. The act reads as I stated, and I think it is susceptible of the construction which has been placed on it by the O. P. A. If it were not susceptible of that construction, then the courts would be the place to which to go for an interpretation of the act, and the interpretation would be made by those who have a right to make it.

Mr. WHERRY. I think we should come to the rescue of farmers, such as the cotton farmer, and see to it that they get parity. It was never the intention of Congress, in the Price Stabilization Act, to permit a directive issued by one of the Government departments to set a maximum ceiling price lower than parity or what the support price was, or what the product brought any time between January 1 and October 15, 1942. Yet, in the face of that law, directives have been issued which have reduced the parity price, not only of one commodity but of many, and those who were supposed to get it have not gotten it because of the interpretation of some of the heads of the departments.

Mr. MURDOCK. I do not agree with that statement.

Mr. BANKHEAD. They have fixed ceiling prices on cotton which have forced the price below parity.

Mr. WHERRY. I think the distinguished Senator from Utah made the statement here, and I take it at face value, that he wants the farmer to get the parity price 100 percent, and I agree with him. That is why I think Congress should take some action. We have to say what Congress means, that the prices are not to go below the ceiling price, that the officials have to come up with a support price. If the pending amendment would do that in connection with cotton, I think it is one way in which Congress can pass legislation that will stop a directive being issued that would set a ceiling price lower than the parity price that was intended by the Stabilization Act.

Mr. BANKHEAD. Mr. President, I submit three amendments to the pending bill, which I ask to have printed and to lie on the table. I have previously spoken to the chairman of the committee concerning the amendments.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

Mr. BANKHEAD. If the Senate is about to take a recess now, I wish to have it understood that I shall have the floor when the Senate reconvenes tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BANKHEAD. I should like very much to appeal to Senators not to proceed immediately after the reconvening of the Senate tomorrow with discussion

of various subjects which occupies so much time.

Mr. BUTLER. Mr. President, I do not wish to impose on the good nature of the Senator from Utah [Mr. MURDOCK] at this time, but when the debate is resumed tomorrow I wish he or some other Senator who is not in agreement with the committee amendment now under consideration, would come prepared to propose a plan of applying the consumer subsidy to the problem which is now under discussion.

Mr. MURDOCK. Mr. President, if the Senator is directing his remarks to me, my answer is that the Senator has the same right that I have as a Senator. He is a very distinguished and able Senator, and if the type of legislation he has suggested is needed, then I ask him why he does not present it himself? Why should he "let George do it" when he knows just what should be done?

Mr. BUTLER. I want some Senator who opposes it to present something constructive in place of the amendment which is under consideration. If a consumer subsidy is good for the beef producer and the dairy farmer, a consumer subsidy ought to be good for the rest of the people of the country who are wearing cotton clothes; but it simply will not work. I am not proposing it, because I do not believe in a consumer subsidy, anyway, but if it is good enough for the farmers of the West it ought to be good enough for the farmers of the South. So I ask that Senators who are opposed to the Bankhead amendment submit a consumer subsidy plan to take the place of the plan proposed by the so-called Bankhead amendment.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. The distinguished Senator from Nebraska is absolutely correct. The War Production Board says it is absolutely essential that the production of textiles be increased; that, if textile production is not increased to the levels of 1942, it will lead to serious military difficulties. I think Senators who oppose the pending amendment should offer a plan which will increase textile production to meet the dire war needs of this country. If the pending amendment will not do it, Senators who oppose it certainly should have something to offer in its place.

Mr. WHITE. Mr. President, I understood the Senator from New York to state that an agreement had been made to take a recess now until tomorrow.

Mr. WAGNER. Yes.

Mr. WHITE. The Senator said the agreement had been made, but I do not know what action has been taken on it. Has an order for a recess been entered?

The PRESIDING OFFICER. No order to that effect has been entered.

Mr. WHITE. I have no objection to a recess being taken at this time in view of the fact that the Senate has been in session for a substantial length of time and that the Senator from Alabama has been talking at some length, but I wish to express the hope that we make as much speed as is possible with the pending legislation. I do not feel that up to now it has moved with real celerity.

Mr. WAGNER. What would the Senator from Maine suggest be done which would lead to greater rapidity of action?

Mr. WHITE. I am not suggesting anything that would lead to greater rapidity of action. I express the pious hope, however, that all of us may do what we can to bring about a speedy determination of consideration of the proposed legislation, and I leave the matter now with that expression of hope.

Mr. WAGNER. May I suggest that we have less talk. Is that the suggestion which is also made by the Senator from Maine?

Mr. WHITE. I do not suggest that any Senator talk less than he desires to, but we are now proposing to close the day's session somewhat earlier than usual, as we did yesterday. I think we could perhaps sit longer each afternoon, and I hope we proceed more rapidly so that we can conclude the pending legislation before the week terminates. I am not complaining about anyone in particular. I am simply offering a general observation.

MESSAGE FROM THE HOUSE

During the delivery of Mr. BANKHEAD's speech,

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H. R. 2928. An act to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended; and

H. R. 4464. An act to increase the debt limit of the United States.

EXTENSION OF TIME LIMIT FOR IMMUNITY IN THE CASE OF CERTAIN OFFICERS—CONFERENCE REPORT

Mr. HATCH. Mr. President, will the Senator from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. Mr. President, I understand a message has just come over from the House of Representatives with the conference report on the so-called immunity joint resolution.

On behalf of the Senate conferees I present the conference report at this time and ask that it be now considered.

Mr. DANAHER. Reserving the right to object, I ask a moment to glance at the report.

Mr. HATCH. Of course, the Senator may object, if he desires to do so.

Mr. DANAHER. I want to ascertain whether the conference report as agreed to carries section 2 of the joint resolution as passed by the Senate.

Mr. HATCH. It does.

Mr. DANAHER. I have no objection.

The PRESIDING OFFICER. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

"That effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, that operate to prevent the court martial, prosecution, trial or punishment of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, are hereby extended for a further period of six months, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

"SEC. 2. The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1 above, and to commence such proceedings against such persons as the facts may justify."

And the House agree to the same.

Amend the title so as to read: "Joint resolution to extend the statute of limitation in certain cases."

And the House agree to the same.

CARL A. HATCH,
ALBERT B. CHANDLER,
HOMER FERGUSON,
Managers on the part of the Senate.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
CLARENCE E. HANCOCK,
Managers on the part of the House.

Mr. HATCH. Mr. President, some Senators have asked that I explain the conference report. This is the report which relates to the extension of the statute of limitations, commonly referred to as the Admiral Kimmel and General Short matter. The Senate passed the joint resolution yesterday, and the conferees met this morning. After a conference with the House conferees we agreed in substance upon the Senate bill, with this difference: The House measure as it passed yesterday provided for 3 months' extension. The Senate bill passed yesterday provided for 1 year extension. Manifestly the House insisted upon 3 months, the Senate conferees insisted upon the year, and as a compromise we agreed upon a 6 months' extension. The other matters were merely clarifying.

Mr. WHITE. Was the action of the Senate conferees unanimous?

Mr. HATCH. It was unanimous.

Mr. DANAHER. While the Senator is explaining the conference report, he will make clear, I am sure, that the con-

ferees have retained into the conference measure section 2, which we had written into the bill in the first place.

Mr. HATCH. That is correct. The only change made was to strike out the word "discretion" and the word "thereafter," so that the action taken in the way of filing proceedings shall be such action as may be justified by the facts. That is the only change.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

AUTHORIZATION TO SIGN SENATE JOINT RESOLUTION 133 DURING RECESS

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. FERGUSON. I understand that the Senate is about to take a recess until to-morrow. I ask unanimous consent that the Presiding Officer of the Senate be authorized during the recess of the Senate to sign enrolled Senate Joint Resolution 133, because it is essential that the joint resolution be presented to the President today for signature. The joint resolution deals with the extension of the statute of limitations in connection with court-martial and civil prosecutions which may arise out of the Pearl Harbor catastrophe.

The PRESIDING OFFICER. Without objection, it is so ordered.

After the conclusion of Mr. BANKHEAD'S speech,

I AM AN AMERICAN—ARTICLE BY WALTER W. FULLER

Mr. JACKSON. Mr. President, some 3 years ago Walter W. Fuller, an eminent writer, editor, and traveler, now on the editorial staff of the Detroit News, wrote a column entitled "I Am an American." A short time ago it was reprinted, and since this is invasion week, what Mr. Fuller wrote in the article comes back to me, and I think it not inappropriate that it be given further recognition. I ask unanimous consent that the article be printed in the body of the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I AM AN AMERICAN

(By Walter W. Fuller)

I am an American. For more than 300 years my ancestors lived on and loved the soil that is the United States. I would, if necessary, give my life for my country, if it would guarantee the preservation of her democratic freedom for my children and their children.

I am an American. I love the great Nation in which I was born. I love its immense expanse of fertile fields, its bustling, smoke-grimed cities, its peaceful villages, its picturesque crossroads settlements, its rushing streams and placid lakes, its snow-capped mountains, its towering forests, its farms, its seacoasts, and its vast network of man-made highways.

I have lolled on the rock-bound coast of Maine, and peered out over the vast expanse of emerald water that is the Atlantic Ocean. I have tramped through the New Hampshire hills and have basked in the brilliant sunshine on the sandy shores at Miami Beach. I have skirted the Columbia River, watched the boats on Puget Sound, and cruised around the Great Lakes. I have gawked at the skyscrapers in New York and smirked at the snobs in Hollywood.

I have climbed Lookout Mountain at Chattanooga, and strolled on the battlefield at Gettysburg. I have looked upon the beauties of Washington and slept high in the wilderness of Yellowstone Park. I have tasted the delectable viands in New Orleans, have stood in the shadow of the Alamo at San Antonio, and have wandered through the Boston Common. I have seen and done all this and more in America, yet I do not love Maine more than California, Michigan more than Florida, Oregon more than Texas. I do not yearn for Seattle or Houston or Atlanta. They're all mine, for I am an American. I love my country—all of it!

I am an American. I have friends who are Italian, German, Chinese, Polish, Scotch, Jewish, Irish, Greek, French, Swedish, and English. I know those of other nationalities, too, who have become naturalized citizens of the United States. All anyone can ask is that they be good Americans. That surely is very little to expect. You see, I am an American, and I take great pride in it, and I feel all others living here should be proud to be able to call themselves Americans. They should thank God they are privileged to live in the United States, as I do.

I am an American. I have visited the clip joints in the Montmartre, and thumbed through the bookshops along the Seine. I have watched the changing of the guards at Buckingham Palace and listened to the radicals rant in London's Hyde Park.

I have traveled the canals at Amsterdam, and puffed my way up the Alps at Lucerne and Montreaux. I have awakened to the clanging of innumerable church bells in Cologne, and have cruised down the Rhine to Wiesbaden. I have crossed the English Channel on a storm-tossed steamer, and have sat in the gathering dusk along the River Clyde.

I have sauntered along the Prado in Habana in the moonlight, have viewed the Canadian Rockies at Banff and Lake Louise. I have visited the gambling casino at Agua Caliente, and have joined the strollers on Dufferin Terrace in Quebec. I have visited all these places—and more—but I still love my country best.

I am an American. If you don't like me and my country, for what we are, then be on your way. There's no place for you around here. If you don't like us and the American way, then pack your bags, gather up your scorn and scram back whence you came.

I am an American. I believe there are millions of aliens who have come to these shores during the past 2 decades who also are as truly fine Americans as those who have the traditions of the country inbred. They have joined together to revel in their newly found prosperity, security, and freedom, and to help make this the greatest Nation the world has ever known.

I am an American. I am proud of my country and its people. To you who would betray this great land of liberty, this vast area of vast opportunity, may I not ask you to join with all good Americans, in building, instead of destroying, in preserving instead of ruining. Think hard before you sabotage a factory, incite a riot, bomb a bridge, dynamite a tunnel, set fire to a steamship, or attempt to carry on any of your other proposed nefarious misdeeds. Ponder your future because your game is a losing one. You are certain to fail because your cause is unjust.

I am an American. If America goes down I want to go with her. If she is to be destroyed, then I want to be destroyed. But America is not going down. I am confident that the Republic of the United States of America can stand for hundreds of years to come. I am convinced that the United States is going onward and upward, despite the ill-advised acts of anarchists, arsonists, Communists, Nazis, Fascists, and saboteurs.

I am an American. I am certain that America and Americans will live in prosperity and freedom long after the dictators of the world have been ground to dust.

I am positive that America—the United States I love—with the help of all truly patriotic citizens, will rise above her present multitudinous problems to a greater land than ever before. So be it!

EXECUTIVE SESSION

Mr. WAGNER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BILBO, from the Committee on the District of Columbia:

J. Francis Reilly, of Maryland, to be a member of the Public Utilities Commission of the District of Columbia for the term of 3 years from July 1, 1944, vice Gregory Hankin.

By Mr. CHANDLER, from the Committee on Military Affairs:

Sundry officers for appointment, by transfer, in the Regular Army.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Richard F. Boyce, of Michigan, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul general;

John J. Meily, of Pennsylvania, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul general;

James E. Henderson, of California, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul;

James Espy, of Ohio, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul;

Paul H. Pearson, of Iowa, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul; and

Franklin Hawley, of Michigan, now a Foreign Service officer of class 8 and a secretary in the Diplomatic Service, to be also a consul.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, on the Executive Calendar is the nomination of Vesta T. Remont, to be postmaster at Cut Off, La. I ask unanimous consent that that nomination be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. I now ask that the remainder of the postmaster nominations on the calendar be confirmed en bloc,

and that the President may be immediately notified.

The PRESIDING OFFICER. Without objection, the remainder of the postmaster nominations on the calendar are confirmed en bloc, and, without objection, the President will be notified immediately.

That completes the calendar.

PUBLIC UTILITIES COMMISSION OF DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, earlier today the nomination of J. Francis Reilly, of Maryland, to be a member of the Public Utilities Commission of the District of Columbia, was reported from the Committee on the District of Columbia. I ask for the present consideration of that nomination.

Mr. WHITE. Mr. President, reserving the right to object, is there any pressing need for immediate action on the nomination? Why should it not go over in the ordinary course?

Mr. BILBO. It could go over if desired.

Mr. WHITE. I do not want to object if there is any substantial reason for immediate confirmation of the nomination.

Mr. BILBO. There has been some insistence that the nomination be acted on immediately. I have received quite a number of calls respecting this nomination, and I thought it might be well that action be expedited.

Mr. WHITE. I shall ask that the nomination go over until tomorrow, or to the next session of the Senate, because I do not know any persuasive reason for short circuiting the Senate rule.

Mr. BILBO. Very well.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 8, 1944, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7 (legislative day of May 9), 1944:

POSTMASTERS

DELAWARE

Joseph Harper Cox, Seaford.

OREGON

Edward E. Vail, Ashland.
Florence Root, Boardman.
Mary E. Horn, Jennings Lodge.
Nettie J. Neil, Marcola.
Sister Rose Mercedes Armstrong, Marylhurst.
Arthur E. Lund, Warren.
Alice Jean Matteson, Wendling.

PENNSYLVANIA

George B. Wellington, La Belle.
Arthur J. Haught, Lemont Furnace.
Chauncey J. Cleland, Marion Center.
Anna M. Fleming, Merrittstown.
Eugene S. Colborn, Mill Run.
Frank E. Kiefer, Mount Carmel.

VIRGINIA

William W. Argabrite, Blacksburg.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 7, 1944

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Just a word before we pray.

Some of our boys died last night in the crusade for freedom and humanity; some of our boys died last night who had looked through the glimpse of the future and claimed it as their own; some of our boys died last night who dreamed of a happy home and a circle of loved ones; some of our boys died last night in the front row of battle for the country they adored; some of our boys died last night beneath the skies of embattled France; some of our boys died last night for you and me that liberty may not die out of the human breast.

Let us pray together.

God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea. He maketh wars to cease unto the end of the earth. Be still and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

Merciful and compassionate Father, Thou who art light to all in darkness and love to all under the yoke of hate, forgive us our sins, and grant that the fountain of cleansing in our country may be opened afresh. By prayer, meditation, and alone with Thee, we pray for an outrush of spiritual power that will work marvels in lives transfigured and in nations reborn.

We pray that the glory of the Lord may shine on Thy people of every name; make them strong in the dark days ahead, rooted in the stability of faith until peace and rest shall be won. O lead the struggle to emancipate all people in bondage and redeem the sacrifice and toil of the noble living and the noble dead.

"Break every weapon forged in fires of hate,
Turn back the foes that would assail Thy gate,
Where fields of strife lie desolate and bare
Take Thy sweet flowers of peace and plant them there.

"Come, blessed peace, as when in hush of eve
God's benediction falls on souls that grieve.
As shines the star when weary day departs,
Come, peace of God, and shine in every heart."

Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:.

On June 1, 1944:

H. R. 329. An act to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor;

H. R. 2105. An act extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians;

H. R. 2332. An act for the relief of Christian Wenz;

H. R. 2408. An act for the relief of Clarence E. Thompson and Mrs. Virginia Thompson;

H. R. 3114. An act for the relief of Ruth Coe;

H. R. 3028. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn.; and

H. R. 4054. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.

On June 2, 1944:

H. R. 1628. An act for the relief of John Hirsch;

H. R. 1635. An act for the relief of William E. Search, and to the legal guardian of Marion Search, Pauline Search, and Virginia Search;

H. R. 2008. An act for the relief of Mrs. Mae Scheidel, Mr. Fred Scheidel, Mr. Charles Totten, and Miss Jean Scheidel;

H. R. 2507. An act for the relief of Reese Flight Instruction, Inc.; and

H. R. 2757. An act for the relief of Margaret Hamilton, Mrs. Catherine Higgins, Mrs. Rebecca Sallop, and Mrs. Dora Projansky.

C. I. O. MEMBERSHIP DEMANDED OF DISCHARGED WAR VETERANS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, America is thrilled today with the progress our brave men are making on the western front in Europe. They are giving glorious accounts of themselves.

But I certainly hope they do not read today's papers from America, because they will find this article, which appeared in the Washington Post this morning:

DETROIT, June 6.—The United Automobile Workers (C. I. O.) has asked the General Motors Corporation to fire five war veterans who belonged to the union before entering service, but failed to maintain their union membership after getting their old jobs back on discharge from the armed forces.

I hope those precious boys who are fighting, bleeding, and dying for this country do not read that report of Sidney Hillman's racketeering gang shaking down their discharged comrades for money with which to corrupt the elections in America and to destroy the Government they are fighting for before they can return to their jobs and earn their daily bread.

God forbid that they should read that report in this tragic hour of their supreme sacrifice.

The SPEAKER. The time of the gentleman from Mississsippi has expired.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement of General Mihailovich to the Allied public.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address made by Mr. Oswald Ryan, member of the Civil Aeronautics Authority.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by the Honorable Chester Bowles in Des Moines, Iowa, on the role of the farmer in the years to come, nothwithstanding the fact that the Government Printing Office estimates that cost will be $138.80.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent to extend my remarks to the RECORD and include therein an editorial from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BURCHILL of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an invasion-day prayer for peace and victory by the Most Reverend Francis Spellman, Catholic bishop of the city of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a truly great address delivered by Lt. Gen. Brehon Somervell at the graduation exercises at West Point, N. Y., yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein two editorials, one from the Shreveport Journal and one from the Washington Evening Star.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an editorial entitled "Lafayette, We Are Here—Again."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE LATE GEORGE O. MILLER

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JARMAN. Mr. Speaker, approximately 18 months ago I requested the indulgence of the House to briefly refer to the fact that a dear old friend of mine, a distingulshed gentleman, Hon. George O. Miller, was at about that time assuming the performance of the important duties of speaker of the House of Representatives of Alabama. I spoke of the fact that he was the only speaker my little town of Livingston had ever boasted. I predicted an administration of that office of which not only his friends in Livingston but the entire State of Alabama would be justly proud. While he has served in that capacity only 18 months, his record during the two sessions of the legislature which have occurred has been such as to abundantly materialize that prediction and to gain for him the great respect, love, and admiration, not only of his colleagues in the house, but of the whole people of Alabama. Therefore, when he unexpectedly passed on last night, the bereavement was not only to Livingston and to his colleagues and friends, but to the thousands of people of my State whose heads are bowed in grief at this moment. An attractive gentleman, able attorney and statesman, excellent husband and father and lovable friend has gone. He is not forgotten, though, and never will be. May God comfort his bereaved ones and be with them as well as with George.

INCREASING THE DEBT LIMIT OF THE UNITED STATES

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Speaker, when this House adjourned last evening we were considering the conference report on H. R. 4464, a bill to increase the debt limit of the United States. There were exactly 100 Members on the floor. In fact, that was the count of the Chair when we voted 62 to 38 in favor of agreeing to the report.

I made a point of order that a quorum was not present and the majority leader the gentleman from Massachusetts [Mr. McCORMACK] immediately caused the House to adjourn.

I raised this point of order, Mr. Speaker, because I believed all Members should be given the opportunity to be recorded on such important legislation. After all, the Senate amendments, in which we were asked to concur, include an increase of $20,000,000,000 in the debt limit over and above what the House had deemed necessary, and the amount which the Treasury Department had testified as satisfactory. Senate amendments also included a lowering of the so-called cabaret tax from 30 percent to 20 percent. Certainly, legislation of such importance should not be permitted to be passed through this House by any 62-to-38 vote, especially in view of the fact that every member of the Ways and Means Committee who participated in the conference, and had expressed themselves here yesterday, declared that the action of the conference committee was not unanimous.

I realize there will be no further time granted for debate on this resolution, but I have taken the floor for this short period to suggest to those Members who were not present last evening to ask a few questions and become informed before the motion to concur in the Senate amendments is acted upon today. If they do this, I am sure they will support me in my efforts to obtain a record vote to send this legislation back to conference.

AUTOMOBILE USE TAX STAMPS

Mr. COMPTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COMPTON. Mr. Speaker, my mail and clippings from newspapers in my district coming to me this morning tell me that hundreds of people were picked up last week in my district because they did not have the use stamp on their automobiles. I hold no brief for men and women who do not pay their taxes for the use of their automobiles, but it does seem rather peremptory and Gestapo-like to pick up men and women who have purchased these stamps, at least they say they have, and I do not question their honesty, and fining them $5 for not having the stamp, and making them buy another stamp a few days before the stamp year is up. Complaint is made that the adhesive on the stamps is of poor quality. It would seem to me that with all of the publicity which it is possible to get, with some 35,000 Government publicity agents in Washington, better publicity might be given to this matter and people generally notified that they can have other stamps given to them if the stamp they purchased has been lost or stolen.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COMPTON. I yield.

Mr. KNUTSON. Let me say to the gentleman there is no doubt but that many of them are innocent. I myself lost the stamp and had to buy a new one long before it expired.

Mr. COMPTON. I thank the gentleman.

The SPEAKER. The time of the gentleman has expired.

PUBLIC DEBT LIMIT

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DOUGHTON. Mr. Speaker, with reference to the remarks made by the distinguished gentleman from Michigan [Mr. SHAFER] regarding the conference report which was considered yesterday afternoon, there must be a clear misunderstanding.

The gentleman from Michigan said that $20,000,000,000 is involved. It may technically, but it is not in reality. Of course, the bill passed by the House provided for an increase in the debt limit from $210,000,000,000 to $240,000,000,000, and the Senate increased it to $260,000,000,000. But that does not mean there is a difference of $20,000,000,000 involved, because certainly when the time comes we will have to increase the amount, if we make it $240,000,000,000, because according to the estimates that will only take care of the credit of the Government until March 31, 1945. While if we make it $260,000,000,000 it will take care of the credit of the Government until May 31, 1945. The place to economize and try to save the $20,000,000,000, or any other amount and do so consistently, is in our appropriations. There is nothing involved really at all, in my judgment, but just a question of whether or not to make it $240,000,000,000 or $260,000,000,000; and if we made it $240,000,000,000 then we would have to raise the debt limit again 2 months earlier. No question of economy or saving money is involved.

The SPEAKER. The time of the gentleman has expired.

ELECTION RESULTS IN NEW YORK CITY

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, yesterday a Republican, Mr. ELLSWORTH BUCK, was elected by a vote of 14,000 to 10,000 in the Eleventh New York Congressional District for the first time in 40 years, in a district in Staten Island and Lower Manhattan, where the enrollment is at least two to one Democratic. This election is significant and shows that the tide that has been running against the New Deal for the last year, starting in Missouri, Kentucky, and Oklahoma, has reached the State of New York. In yesterday's election it shows that the tide is running out fast against the New Deal, the fourth term, the Communist influence in the Democratic Party, and the control of the Democratic Party in the State of New York by the American Labor Party, now a smoke screen for the Communists which is a kiss of death for any party or individual it endorses.

The SPEAKER. The time of the gentleman has expired.

BESSIE EASON—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the clerk:

To the House of Representatives:

I am returning, without my approval, H. R. 3537, Seventy-eighth Congress, "An act for the relief of Bessie Eason."

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay to Bessie Eason, Meridian, Miss., the sum of $306.33, in full settlement of certain allotments and allowances alleged to be due and unpaid her over the period from November 1917, to September 1919.

Mrs. Eason alleges that she did not receive certain allotment and allowance checks drawn in her favor under the provisions of the War Risk Insurance Act, October 6, 1917, during the periods her two sons were in active military service between November 1917, to September 1919. The records of the Veterans' Administration show that checks for all allotments and allowances due her were issued during this period, and the records of the Treasury Department show that such checks were negotiated and paid in due course. The correctness of these records was not questioned until October 11, 1935, at which time Henry Noel Eason, one of Mrs. Bessie Eason's sons, in letter addressed to the Adjutant General's Office, United States Army, expressed a belief that certain sums made under an allotment by him had failed to reach his mother. The checks in question have been destroyed under the authority of the act of June 2, 1926 (44 Stat. 761) and that act also barred consideration of a claim on account of any check not presented to the Office of the Comptroller General within 6 years after the date of issue of such check. Moreover, the act of October 9, 1940 (54 Stat. 1061) bars a claim if not received within 10 full years after the date such claim first accrued.

There are no unusual circumstances which would warrant special consideration of Mrs. Eason's claim, and enactment of this measure would establish a precedent for allowance of other stale claims against the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 7, 1944.*

The SPEAKER. The objections of the President will be spread upon the Journal, and the message and the accompanying bill referred to the Committee on Claims and ordered printed.

EXTENSION OF REMARKS

Mr. CARLSON of Kansas. Mr. Speaker, I ask unanimous consent to revise the remarks I made last evening on the debt limit bill and to include certain statements.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. KELLEY. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 81]

Abernethy	Gallagher	O'Konski
Anderson, N. Mex.	Gibson	O'Neal
Baldwin, Md.	Gilchrist	Peterson, Ga.
Barry	Gillie	Pfeifer
Bates, Mass.	Granger	Philbin
Bennett, Mich.	Green	Ploeser
Bloom	Griffiths	Plumley
Bolton	Hancock	Ramspeck
Boren	Hart	Sadowski
Buckley	Hébert	Scott
Burdick	Heidinger	Sheridan
Byrne	Johnson, Ward	Simpson, Pa.
Capozzoli	Kee	Smith, W. Va.
Chapman	Kennedy	Smith, Wis.
Clark	Keogh	Somers, N. Y.
Cox	King	Stanley
Curley	Klein	Starnes, Ala.
Dawson	Landis	Stearns, N. H.
Dickstein	Lemke	Stevenson
Dies	Lewis	Stewart
Douglas	McCord	Stigler
Elmer	McMurray	Sumners, Tex.
Fellows	Magnuson	Treadway
Fernandez	Martin, Iowa	Voorhis, Calif.
Flannagan	May	Wadsworth
Forand	Merrow	Weichel, Ohio
Ford	Miller, Mo.	White
Fulbright	Morrison, N. C.	Whitten
Fuller	Murphy	Willey
Furlong	Myers	Woodrum, Va.
Gale	Newsome	Worley
	O'Connor	Zimmerman

The SPEAKER. Three hundred and twenty-nine Members have answered to their names. A quorum is present.

On motion of Mr. McCORMACK, further proceedings, under the call, were dispensed with.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1945

Mr. SNYDER, from the Committee on Appropriations, reported the bill (H. R. 4967) making appropriations for the Military Establishment for the fiscal year ending June 30, 1945, and for other purposes (Rept. No. 1606), which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. POWERS reserved all points of order.

INCREASING THE DEBT LIMIT OF THE UNITED STATES

The SPEAKER. The unfinished business is agreeing to the conference report on the bill (H. R. 4464) to increase the debt limit of the United States.

The question was taken; and on a division (demanded by Mr. CARLSON of Kansas) there were—ayes 172, noes 54.

Mr. SHAFER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter I wrote.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARCANTONIO]?

There was no objection.

PERSONAL PRIVILEGE

Mr. SMITH of Virginia. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state the grounds upon which he rises to a question of personal privilege.

Mr. SMITH of Virginia. Mr. Speaker, in the Washington Post of this morning appears an article by one Marquis Childs in which he says, among other things:

> One thing that D-day did was to throw into sudden, sharp relief the particular kind of partisan politics that has been afoot here. As though seen in the harsh light of landing flares, the figures of those who would cripple our home-front war controls were abruptly revealed. They had a stealthy, skulking look.
>
> I refer specifically to the efforts to undermine the Price Control Act. Representative HOWARD SMITH of Virginia is conducting a legalistic raid in the House which, if it is successful, could leave O. P. A. administrators more or less helpless to fight down rising prices.

There is contained other language, Mr. Speaker, but I think that is sufficient for the purpose of my motion.

The SPEAKER. The Chair is of the opinion that the language read is a sufficient reflection on the gentleman to raise the question of personal privilege, and the Chair will recognize the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, I regret very much the necessity of taking this time, at so busy a time in the House. I realize that those of us who have been in public life for a long time must expect to be slandered and libeled. That is a part of the job.

There does come a time, however, when, if the integrity and patriotism of a Member of this body is attacked, I believe he owes it to himself, to his colleagues, and to his country to pay some notice to those charges.

The article upon which I have asked personal privilege recognition charges that in a stealthy, skulking way I am seeking to destroy the Price Control Act. We are going to take up the Price Control Act in a very short time—I hope immediately after I conclude—and we are then going to discuss the matter in detail, so I think it is not unfortunate that I should have the opportunity to tell the House what amendments will be proposed by the special committee of which I have the honor to be chairman. I shall not consume the time of the House in discussing the writer of this article.

Unfortunately there is a chapter in the modern history of our country of those persons who, lacking intelligence, lacking knowledge of the underlying great public questions before the country, undertake to sell their product to newspapers by labeling themselves "commentators"; who undertake to comment upon the acts of public servants. I say it is unfortunate, because it casts a cloud upon the great body of real commentators who perform a valuable service to the country, in laying before the people the facts about public questions. But these scandal mongers, whose ignorance and lack of ability and understanding disqualifies them as real commentators, sell their filth by attacking men in public life upon issues that may be before the Congress, and what they lack in knowledge of the subject they make up in vitriolic and slanderous personal attacks.

We should approach these issues solemnly, humbly, with the earnest desire to do what is in the best interest of all the people of our country. That is what I have sought to do.

I think I should tell you something in refutation of these charges as to the history of the amendments that will be proposed by various members of the select committees set up by this Congress something over a year ago to investigate the abuses of authority by Executive agencies. That committee was set up about 14 months ago, or maybe a little longer. It began at once an investigation of the O. P. A., because that was the governmental agency concerning which we had the most complaints, the more persistent complaints, not only from citizens but from Members of the Congress who sit here now in this Chamber, who complained to that committee that you had set up that this agency was violating the law which the Congress had passed, and was exceeding the authority which you had given it.

That investigation began with the rent control, concerning which there were most of the complaints. That investigation has continued practically down to the present date. The Members of the Congress overwhelmingly voted to set up that committee, directed that committee to make the investigation, and further directed that committee to recommend to this Congress the needed legislation to correct the evils of which complaints were received and which seemed to be well founded.

That committee has filed five intermediate reports. In every instance those reports have been widely published in the press of the country. In every instance copies of those reports have been mailed to every Member of the House of Representatives. And yet this article, of which I complain, says that these efforts have a stealthy, skulking look; a stealthy, skulking look.

Do they? Here are five reports published throughout the country over a period of more than a year, showing the violations of law by various agencies, including the O. P. A. The first of those was filed in April 1943, over a year ago. As a basis for the reports, here is some of the testimony that was taken in open hearings before that committee, day after day, week after week, and month after month, in which citizens who had been wronged came forward and complained under oath and in which we also brought in the officers of the agencies of which complaints were made. They testified under oath. Both sides were permitted to be heard.

As the result of all of these reports, and as the result of that 15 months' work, and as a result of all of this testimony, of which this is only an infinitesimal part, that committee sat down to deliberate as to whether any amendments were needed to the O. P. A. Act and, if so, what amendments were needed and what amendments could be safely enacted without destroying the vital arm of the Government known as price control. It was a difficult job. We spent weeks on it.

While the article which I have necessarily had to mention in order to give me the opportunity to tell you about these amendments refers to this as the activities of one individual Member of Congress, the truth is that these activities are the activities of a duly constituted, select committee appointed under resolution of this House to do the specific thing of investigating excessive abuses of authority by executive agencies, including the O. P. A. That committee filed these reports. While there was some dissent as to certain features of the O. P. A. recommendation for legislation which will be found in the fifth and last report, the major portion and the important amendments recommended by that committee were recommended unanimously by the seven members who constitute that committee which you Members of the House set up.

I have been here long enough to see the signs and I know what is going on around here. There are some folks that do not like the rule that the Committee on Rules gave on this thing. This is what the Committee on Rules did: There were two bills. There was the bill of the regularly constituted Committee on Banking and Currency, and there was the bill of the so-called Smith committee, a portion of which the Committee on Banking and Currency had adopted in their bill. The Committee on Rules gave a rule which made in order the Banking and Currency Committee bill, but also made in order as amendments to that bill any provisions of the bill of our committee. After all is said and done, all that means is that you Members of the House, having set up our select committee and having, wisely or unwisely, spent $50,000 of your taxpayers' money for this investigation, are saying by the adoption of that rule that you are at least going to sit here and hear the recommendations of our select committee on which you expended $50,000, and vote on whether you are going to accept that amendment or whether you are going to reject it. Is there anything unfair about that; is there anything wrong about that; is there anything sinister about that; is there any skulking about that? Why not do it?

A lot of you have had complaints, because you have come to talk to me about them, about O. P. A., about rent control, about price control, and about rationing. I do not believe there is a Member on this floor who can rise to his feet now and truthfully say that he has not had any complaint about this agency's violating the authority which Congress has given it. If there is, I want to hear from him.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Missouri.

Mr. COCHRAN. I say that I have had no complaints in which the charge has been made that the agency violated the law. I have had complaints about some of the regulations, but as far as anyone's claiming that they have violated the law is concerned, I have had no such complaint.

Mr. SMITH of Virginia. I congratulate the gentleman upon having such a complacent constituency.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield? The gentleman asked if any Member had received a complaint.

Mr. SMITH of Virginia. I decline to yield further at this time. I want to discuss these amendments. I want the House to know just what you are voting on and why. If you turn this rule down when you vote on it in a little while, I want you to know why you are doing it.

Mr. SABATH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SABATH. I was not present when the gentleman obtained the floor. Are we discussing the rule, or what is before the House?

The SPEAKER. On a question of personal privilege the range of the Member attacked is pretty wide, but the Chair trusts that the gentleman from Virginia will not get too far from the charges.

Mr. SMITH of Virginia. I will try to stay within the rule, Mr. Speaker.

Mr. SABATH. The gentleman is talking about the rule on this bill, and I have not called it up yet.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of Virginia. I decline to yield at all at this time, Mr. Speaker.

Mr. Speaker, the chairman of my committee has complained that I am talking about the rule. I have complained that this Washington Post writer was talking about me. What he was talking about me was this very subject that I am now discussing, and I am trying to answer and show to this House that there is nothing that is stealthy or skulking about what I am doing or about what I have been doing. If it is out of order for me to answer and say what I am trying to do, when a person has charged me with being stealthy and skulking, and trying to destroy price control, then I just do not understand the parliamentary rules, and I think I do.

I am going to talk about these amendments. I am going to talk about them on the ground that there is nothing stealthy about them and that there is nothing skulking about them, and that I am not stealthy and I am not skulking, and I never have been skulking, and I never expect to skulk. But I expect to lay it on the table and talk it out to you who are Members of this House and have the same responsibility that I have, and I know you want to know—I know you want to know what these amendments are. I will tell you.

My friends on the left here especially ought to want to know. The Republican Party, I remember, back a couple of years ago were whooping and howling and yelling about how they were going to save the country from bureaucracy. They were going to save us from these excessive abuses of authority by these agencies that were being set up by Executive order as well as by acts of Congress. Now I want to give these Republicans the opportunity to save the country today, tomorrow, and the next day. Boys, are you game, and did you mean what you have been telling the country? Are you going to try to help us save this country from bureaucracy? Or when the C. I. O. yells, are you going to run? What are you going to do about it? That is a simple proposition. You all know, and I know, that every amendment that I propose here is being opposed by the C. I. O. Political Action Committee, and you know that you get these great circulars about every morning saying that you must not do anything to the Price Control Act, you must reenact it just as it is. What I am going to find out today is, How much effect the C. I. O. Political Action Committee is going to have on you Republicans, who promised the people when you were elected 2 years ago that you were going to save this country from bureaucracy. I am going to do you a great favor, because I am going to give you the opportunity to demonstrate to the American people that you were telling the truth when you were elected, that you meant what you said, that you are going to save them from bureaucracy. I am going to give you a chance to show them that you are going to save the Constitution of the United States.

I hope you meant that applause, and I hope you meant all the campaign speeches that you made to your people 2 years ago when you promised them you were going to save the country.

Mr. THOMAS of New Jersey and Mr. HOFFMAN rose.

Mr. SMITH of Virginia. I will yield in just a moment.

I have a good deal of faith in those promises, but I will tell you, you made a sorry spectacle here the other day when you ran out on the F. E. P. C. appropriation.

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that it is obvious from the discussion that the gentleman is making that it is way beyond the scope of personal privilege and is an abuse of personal privilege.

Mr. RANKIN. Mr. Speaker, I would like to be heard on that point of order.

The SPEAKER. The gentleman from Virginia will confine himself to the question of personal privilege.

Mr. SMITH of Virginia. Mr. Speaker, I shall endeavor to do so.

Mr. RANKIN. Mr. Speaker, I make the point of order it is utterly impossible for the gentleman from Virginia [Mr. SMITH] to go beyond the scope of this loathesome abuse being heaped upon the Congress.

Mr. SPEAKER. The gentleman from Mississippi is not making a point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman from Virginia just a moment ago asked a question. I am telling him that I, for one, on this side intend to go along with him, and I have never made a campaign promise that I am not willing to keep up to this time.

Mr. SMITH of Virginia. I am pretty sure you will not break your promise.

Mr. HOFFMAN. There will be no hiding on my part.

Mr. THOMAS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. THOMAS of New Jersey. I am wondering if the gentleman from Virginia is going to give the Democrats the same opportunity to save the country.

Mr. SMITH of Virginia. Indeed, I am. But I want to say further, there are a lot of good Democrats over here, and I am glad to say most of them come from south of the Mason and Dixon line who are going to vote to save the country just as they have been doing.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. EBERHARTER. The gentleman from Virginia not long ago asked whether there were any Members of the House—or it was his opinion there were no Members of the House—who had not received complaints that the O. P. A. had exceeded its authority and had violated the law, and then the gentleman declined to yield for anybody to answer that question.

Mr. SMITH of Virginia. I yielded to you. What is the matter; what is your complaint?

Mr. EBERHARTER. I am one Member, at least, in addition to other Members who wanted to be recognized at that time, who wanted the gentleman to yield to him, who has not received a complaint from any constituent or any firm in his district.

Mr. SMITH of Virginia. I am glad your folks are so well satisfied.

Mr. EBERHARTER. I have not received a complaint from any constituent or any firm in my district that the O. P. A. has violated the law. I think there are many others in the House.

Mr. SMITH of Virginia. I am glad your people are so well satisfied.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. RANKIN. I will say to the gentleman from Pennsylvania that the suffering people of America know to whom to protest.

The SPEAKER. The Chair is very lenient. The Chair is not compelled to recognize any Member to proceed on a question of personal privilege.

Mr. EBERHARTER. Mr. Speaker, a point of order.

The SPEAKER. Just a moment. The Chair is going to try to quiet this down and get through with it. The Chair always allows Members a wide range on a question of personal privilege, but the gentleman from Virginia will agree with the Chair that not many of the questions that have been asked and not many of the answers that have been made come very close to the matter the gentleman was talking about when he took the floor. The Chair knows the gentleman from Virginia wants to abide by the rules of the House as much as any Member.

Mr. SMITH of Virginia. Mr. Speaker, I want to say I appreciate the position of the Speaker. I thank him for the courtesy he has shown me in this matter. I will certainly endeavor to keep within the rules. It is a little difficult at times.

Mr. Speaker, I will not yield any further, as I do not want to violate the rules.

Mr. EBERHARTER. Mr. Speaker, a point of order.

Mr. Speaker, I make the point of order that the remark of the gentleman

from Mississippi, when the gentleman from Virginia yielded to him, was in violation of the rules of the House.

Mr. KNUTSON. That comes too late.

Mr. EBERHARTER. Mr. Speaker, I have been on my feet since the moment the remarks were uttered. I wish to be heard on the point of order, Mr. Speaker.

Mr. KNUTSON. That is not parliamentary.

Mr. EBERHARTER. Mr. Speaker, it seems to me if we are going to proceed in a parliamentary manner here, and I am sure practically all Members in this Chamber want to proceed in a parliamentary manner, it should be recognized it is not within the province of any Member to attempt to ridicule another Member. Insofar as the constituency of my district is concerned, Mr. Speaker, they have confidence in me.

Mr. RANKIN. Mr. Speaker, I make a point of order. I demand that those words be taken down.

The SPEAKER. The Chair is ready to rule on the point of order. The question of what the constituency of the gentleman from Pennsylvania thinks of him, is a question between him and his constituency; and the Chair overrules the point of order.

Mr. EBERHARTER. Mr. Speaker, am I to understand it is perfectly all right for a Member of the House to reflect upon the voting constituency of the Thirty-second, that is, the Thirty-first district of Pennsylvania?

Mr. Speaker, there has been within the past 2 years two redistrictings in the State of Pennsylvania, so a Member cannot be blamed for becoming confused on the number of the district when he comes from a district that has been divided.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER. The Chair is now hearing the gentleman from Pennsylvania on the point of order.

Mr. RANKIN. Mr. Speaker, he is not making a point of order. He is out of order and does not know the parliamentary rules.

The SPEAKER. The Chair has already ruled on the point of order made by the gentleman from Pennsylvania.

The gentleman from Virginia [Mr. SMITH] will proceed in order. The Chair thinks it would be wise, in the interest of conserving time, if he would not yield any more.

Mr. SMITH of Virginia. I will observe the admonition of the Chair very religiously from now on and will not yield further to anyone, so that I can go on and get through with this matter as rapidly as I can. What I wanted to say to the House was in answer to the charge that these amendments were stealthy and skulking looking. I want to tell you what they are and you can judge for yourself wherein there is any stealth or skulkiness in these amendments. I will start right in at the beginning of the report of your select committee. I am going right on through.

On page 3 of that report we proposed an amendment that the O. P. A. should not do anything about the price of any commodity that has never risen and has never threatened to rise in price. Well, you said that in the original bill. What you said was that whenever the price of the commodity or commodities have risen or threatened to rise, then the Administrator shall fix the price. But the Administrator has gone to work and has undertaken to put price control on everything, whether the price has ever risen or has not risen. I will give you an example, for instance, of vitamin pills, where the history of that commodity has been that they have always been constantly decreasing in price as manufacturing facilities and consumption increase. There has never been a rise in price. There has never been a threatened rise in price, yet the O. P. A. in that instance, and, I think, in the instance of rayon hosiery, has undertaken to reduce the price, although it never threatened to rise. I do not think Congress meant for the O. P. A. to reduce the price of an article that has never risen and has never threatened us with inflation. So we put in here that they should not have anything to do with the price of a commodity where the price had not risen or threatened to rise. Is there anything stealthy or skulking about that? I do not know whether you want it or not.

All I am doing is saying as the result of 15 months' work on the part of our committee, we submit to you as our best judgment, that you never intended to have prices reduced on articles where the price did not rise or threaten to rise, because that is what you said in the act. If you do not agree with us, it is perfectly all right with us. All we want to do is to have an opportunity to pass the rule and vote on whether you want that amendment or whether you do not. Let us take the other amendments. There are many instances where owing to peculiar circumstances the effect of the impact of O. P. A. regulations and price control have been to destroy a business, utterly destroy it, put it out of business. I expect every one of you know about cases like that. What we have put in there is a provision that in this class of cases the Administrator cannot say, "It is too much trouble to fix you up." The Administrator cannot say, "Well, you are just a casualty of war; we are sorry." The Administrator must adjust the situation so as to stop destroying the little businesses of this country. I know that is what you all want to do. We may not be right about that amendment. We may be all wrong about it. But there is not anything stealthy about it and there is not anything skulking about it. All we are asking you to do is to give us a rule so that you can debate it and then you can vote on whether you think it is good or bad. Certainly I am not going to get mad at anybody as to how they vote. I know this is a very intricate situation and I know honest men differ about it. I have studied it for 15 months. All we are asking you to do is to give yourselves the opportunity of voting for it or voting against it.

The next amendment we have is on page 6 of our committee report. Let us see what is stealthy or skulky about that. You have a ceiling price on manufactured articles at the manufactured level. You have another ceiling price on it at the retail level. That leaves a spread for handling and profit to the retailer. But here comes an increase in the cost of raw materials, an increase in the cost of labor, an increase in the cost of facilities; so O. P. A. says to the manufacturer, "You cannot get along with that. We will raise your ceiling price a little." But when he goes to the retailer he says, "Oh, no, Mr. Retailer, we are not going to raise your ceiling. You have got to absorb that increase to the manufacturer." So gradually they are pushing these manufacturers' ceilings up and holding the ceilings on the retail level to the little corner grocer, where you go to buy your pound of butter, so that those people are being crushed between the upper and nether millstones. It is not fair. It is not right. You know it is not fair or right. You never intended to do any such thing as that. I want to give you an opportunity, without any stealthy work about it, or any skulking, to vote whether that is what you intended to do. I want to give you an opportunity to correct that evil, and give the little corner grocery store a chance to survive.

So we have an amendment on that proposition that provides that whenever O. P. A. raises the ceiling price to the manufacturer—and he does not have to raise that—but if he does, then he has to give a corresponding raise to the retailer who sells that article.

Now, what is unfair about that? Certainly there is nothing stealthy about it. There is nothing skulking about it. I do not see how it will destroy price control, but if you do not do it, it will destroy a lot of little businesses back home, and then when we have got to go back home to campaign this fall some of those fellows who are walking the streets without any business are going to ask you about that. Do not forget that.

We have had more complaints about rent control than anything else. So we have revised the rent control in some minor particulars. In the first place, we have taken out that word "generally" because they say that rents must be "generally fair." It is not necessary to have generally fair rent control, because what they did as a matter of administration is to fix the price of every single individual living unit. Every house, every apartment has to be registered. So it is not a great job to revise in any particular instance. So, we provided that they must not only be generally fair and equitable in their rents, but they must be fair and equitable to everybody.

Then they have these rules about recovery of possession—that you cannot recover possession of your property except under certain regulations and specifications that the O. P. A. has set down. We have undertaken to enlarge those.

I think it would be profitable to all of you in the consideration of this bill, when you come to it as you will shortly, for me to tell you in some detail what we propose in the way of changes in the way of rent controls. I am doing that primarily for the purpose of showing you, under my privilege here, that there is nothing

stealthy, nor nothing skulking about these amendments which I am proposing.

We propose that the owner may recover possession of his property if the tenant violates the obligations of his tenancy. You would think, of course, you could do that, would you not? If he has violated his lease agreement, of course, you could kick him out. Oh, no. The O. P. A. says, "No; we do not think that is material."

For instance, in a case we had where there was a complaint, there was a provision in the lease that nobody could keep a dog. One of the tenants decided he would keep a dog in his apartment; he would make a dog kennel out of it, next door to a fellow who did not want to live in a dog kennel. So the owner tried to turn him out. The O. P. A. says, "Oh, no. Don't bother that fellow. He can keep a dog all right, because that is not a material violation." In other words, they set themselves up as a court to determine what provisions of a lease mean something and what provisions of a lease do not mean anything. We take those functions away from them.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I am sorry. I promised the Speaker not to yield further.

Then, where a person owns a piece of property and seeks to get possession of it to live in it himself the O. P. A. has a regulation under which if you have rented your house this year and you want to get it back yourself to live in it you have to convince them of a whole lot of things and comply with numerous regulations before you can get your house to live in yourself.

Also, in the case of sales of real estate. Where there has been a sale in good faith there has been a great deal of difficulty in getting possession of the property when it has actually been sold and the purchaser wants to get possession. There ought not to be any difficulty about that.

We also take the hand of the O. P. A. off of the situation where a person wants to tear down a building or for the purpose of remodeling, or for the purpose of restoring another building. We also have put in a provision that I think is quite important, that where a person, wanting to help the war effort, has taken in two or three roomers he ought to have the privilege of still having his home as his castle and be able to put those people out when he was tired of them or did not like the color of their hair, or did not like them coming in drunk at 1 o'clock in the morning. But O. P. A. says, "If you rent more than two rooms in your own private dwelling you cannot get rid of those tenants unless the O. P. A. says you can get rid of them." That is an invasion of a man's home that this Congress never intended; that we never gave any authority for. There is nothing in the act that would justify it. Yet it is being done to your constituents and my constituents.

Those are some of the things we are trying to correct.

Take the next question of what is known as security payments. If there is anybody here from Connecticut I can mention that area. In Connecticut they have a rule that is very old, that when a piece of property is rented the owner collects the first and last month's rent, the last month's rent being held as security deposit against default in the payment of rent, or against defacement of the property. That is an old custom. The O. P. A. says, "We are going to change that custom." But the Congress has said that O. P. A. must not change any of the regular customs of doing business. The O. P. A. says that Congress qualified that.

So many of these provisions that you put in the act are being constantly overruled, constantly violated by the O. P. A., and they make rules and regulations themselves that have the effect of law. All we want to do is to fix it so that O. P. A. cannot do those things which the Congress never intended them to do and never gave them any authority to do. There is nothing stealthy, nothing skulking about it.

Now, on the question of getting possession of property that has been sold: If you sell a piece of property to me, and I want to get possession of it from the next man over there who happens to be living in it, I cannot go to him and say, "I want to live in my own house." I have got to go to the O. P. A., and they say, "Oh, did you buy it? How much cash did you pay?" I say, "Twenty-five percent." They say, "Oh, no. You have got to pay 30 percent. You cannot buy that house." But now they have reduced it to 20 percent after a great deal of complaining. I go back and I borrow that 20 percent from my bank, and I come back and I pay that money down. I say, "All right, Mr. O. P. A. I want my house. I paid 20 percent." They say, "Where did you get that 20 percent?" "I went down to the bank where my credit is good, and I borrowed it." They say, "Oh, no; you cannot borrow it from the bank and buy a house with it. That is not your own money. That is money you borrowed."

That kind of utter absurdity is something that your people and my people have been suffering from, long suffering, for over a year. Now, we are not doing anything stealthy about it, but we want to say right out in the open that those things ought to be corrected. We do not think they have anything to do with price control; we do not think they ought to have that authority. We know Congress never gave them that authority, and we want to see to it, if you did not give them that authority, that we prohibit them from exercising it.

We provide some court relief from these O. P. A. decisions. That is quite an intricate problem, Mr. Speaker. I hope the Members are going to give it careful study, because we can make a big mistake in this court review. Our committee has tried very studiously not to make a mistake about it. We have provided in the first place that a protest can be made at any time, not limited to this period that is now in the act, but when a protest has been made a party can go to court, and we have provided that he may go to either the district court or the Emergency Court of Appeals; we give him the option of going to his district court because it is often very inconvenient for some of our constituents to go to the Emergency Court of Appeals; so we provided that he may go into the district court.

We further provided that the regulation must remain in effect in the event there is an appeal to the Emergency Court of Appeals so that there will not be a variety of decisions all over the country. If you gave the right to appeal from these decisions to every district court in the United States, you would have a number of different decisions, and you would have different kinds of price control all over the country. We have guarded against that in these amendments, but we give them court review.

There is a ridiculous situation relative to court review that has recently been affirmed by the present Supreme Court of the United States. In our original Price Control Act we fixed it so that the validity of these regulations could not be raised in any way except in the Emergency Court of Appeals, but we also fixed it so that a person might be prosecuted for violating the provisions of the act, and it so happens that we have now placed ourselves in the ridiculous position where a person can be indicted, tried, and convicted on a void regulation of the O. P. A. and is not permitted to open his mouth in the courts to say that he is being sent to jail on a void regulation. We have undertaken to correct that by an amendment. The Committee on Banking and Currency has also attempted to correct it. The way they have done it is to say that the person cannot raise that point until after he has been tried and convicted. We do not think a person ought to be put to that disgrace, so we provide that he may raise the point as a preliminary proceeding, that when he does raise it in the district court the proceedings must halt and the matter of the validity of the regulation be determined by the Emergency Court of Appeals. In this way you will not have a diversity of decision.

Another matter we have sought to correct is the question of triple damages. Under the O. P. A. Act as the law is written now a person may sue for $50 or triple the amount of the overcharge. To illustrate why that is wrong I will give you a case. An old lady out in California was renting a room and she happened to charge 50 cents a week more than O. P. A. said she ought to rent it for and so the tenant sat on that poor lady's furniture for 30 weeks. Then he sued her for $1,500, and he had the right to recover it under the law. Or let us take the case of a grocer: One of his clerks gets mixed up on the price of a can of beans and charges 11 cents instead of 10. Because of that overcharge of 1 cent the consumer has the right to sue the merchant for $50. We have undertaken to say that there can be only one suit, either for the actual damages or for $50, whichever is greater, on the same contract. The Committee on Banking and Currency has, I think with all due deference to them, and I know they put a great deal of time on it and have done a studious job, done an honest job. I know they think what they have got is right, but we just happen to differ about it. What the Banking and Currency Committee has done is, in my

judgment, to make this thing worse than it is now because as it is now the consumer is the only person who can sue where the goods are sold for consumption, such as the case of a can of beans, but the Committee on Banking and Currency has fixed it so that if the consumer does not sue, the United States may sue. If the Banking and Currency Committee's amendment passes, these O. P. A. lawyers who have got to find something to do—just mark my words—are going to be suing your constituents all over the United States for selling a can of beans for a cent too much or a pound of butter for a couple of cents too much. We never intended to penalize the people more than was necessary to stop the black market. Certainly we do not want to penalize the innocent as well as the guilty; so we have undertaken to correct that.

Mr. Speaker, you have heard a lot of talk about the kangaroo courts—and I am not going to be able to cover all of these matters, but I will go as far as time permits. As to the kangaroo courts, we have set forth in the O. P. A. Act exactly the methods by which your constituents and mine may be punished for violation of the law, but the O. P. A. has not seen fit to use that punishment except in rare instances. They set up their own system of courts. They haul a person before them and say, "You sold too much gasoline last week" or too much butter, or something else, "so we are going to try you." Who tries them? An officer paid by the O. P. A. Who sits as judge? Another officer employed by the O. P. A. A third person employed by the O. P. A. acts as prosecutor and another officer employed by the O. P. A. is the witness. So they try your constituent and mine in the kangaroo courts and have gone so far as to take away their right to do business for the duration of the war. Did you gentlemen mean to do that?

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I have declined to yield; I made the promise that I was not going to yield. I am sorry.

If you did not mean to do that you had better do something about this rule that is coming up today. I do not want to do it by stealth, I do not want to do it by skulking around, but I want to lay it right on the table: If you do not adopt this rule and give yourselves a chance to pull your constituents out of this hole you put them in somebody is going to ask you about it when you get back home; somebody is going to ask you why you did not give them relief when you had the chance, as you are going to have to vote on the subject.

So we have prohibited the O. P. A. from setting up or operating these kangaroo courts and have in effect said to them, "You go back to the courts of the land where we told you to go when we enacted the law."

There is one other provision in here that I know you folks want and that has to do with putting certain restrictions on the War Labor Board. Under the present situation the War Labor Board may certify to the President that the owner of a business has refused to comply with the Board's order, and the President may then take his business away from him without any resort to the courts; and the courts here in Washington just last week decided that under those circumstances the very shirt may be taken off your constituent's back and he is denied the right of access to the courts of the land set up by the Constitution under which you live and which you swore to sustain and support. Are you going to do anything about that? If you do not adopt this rule you cannot do anything about it. I am giving you warning now because I know you Republican fellows have promised the people of the country relief from this bureaucracy but you will not be able to do that if you vote against this rule, you will not be able to let your constituents go into the courts of the land and have the courts determine their rights.

We have not undertaken to destroy the control of the War Labor Board over these situations but we have said that when the owners of property go into court to test the right of the War Labor Board to issue an order against them, that their property shall not be seized and taken away from them unless the courts shall determine that the use of the property is necessary for the conduct of the war.

In other words, we have taken this discretion from Executive hands to seize a man's property and put it in the hands of a court where it belongs, so that the court may say whether that property is necessary for the conduct of the war.

Mr. Speaker, I have consumed so much time that I hesitate to use any more. I thank the Members for the patience they have shown toward me. However, there is one other amendment in connection with the War Labor Board that I think is very essential. That amendment would have prevented the disgraceful situation that we now find the Government in with respect to the seizure of Montgomery Ward.

The National Labor Relations Act provides that that Board shall determine the question of the bargaining unit and that was what was sought to be done in the Montgomery Ward case; but the War Labor Board, notwithstanding that, ordered them to go ahead and sign a contract for an extension or something of the kind. We provide in this amendment that when the question arises as to who is the bargaining agent of employees, then the War Labor Board shall not act on that matter until the National Labor Relations Board calls an election, or does whatever is necessary, and certifies to the War Labor Board the bargaining agency. That is a very essential amendment and will prevent a great deal of confusion and, as I said before, it would have prevented the debacle in the Montgomery Ward matter.

In conclusion, let me say that in this report are certain amendments which have to do with wage stabilization. I personally, and a number of others, have always believed in the across-the-board stabilization. Those amendments merely write into the law the Executive order of the President which stabilized wages and admonish the War Labor Board that it must observe those regulations. In other words, we write into law what is already law by Executive order. I realize that there is not much sentiment for that subject and it is not my purpose to offer those amendments to stabilize wages; so that the only amendments in that connection that I expect to offer will be those amendments which relate to court review and which relate to prohibiting the War Labor Board from exercising certain functions that are clearly in violation of the Constitution.

I regret that I have taken so much of your time but, in my humble opinion, it is worth while for you to consider these amendments and I hope what I have said has clarified your thinking some and given you some information that may be worth while.

EXTENSION OF EMERGENCY PRICE CONTROL ACT OF 1942

Mr. SABATH. Mr. Speaker, I call up House Resolution 582, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4941) to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 9 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order any amendment which may be offered to the bill embodying any of the sections or paragraphs contained in the bill H. R. 4647. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. The gentleman from Virginia [Mr. SMITH] timed his question of personal privilege, on which he obtained 1 hour to speak, very nicely. Of course, the gentleman is very resourceful and I regret that he has been unjustly criticized.

I have read the last report of his select committee, which has expended $50,000 pursuing its studies and investigations, and I find that two members of the Smith select committee have submitted and signed a minority report.

The gentleman from Virginia [Mr. SMITH] also states that he is anxious to save the Republican Party and the Democratic Party by giving them an opportunity to vote on some of the provisions of his bill. This, I am sure, will be appreciated by both.

Mr. Speaker, the resourceful gentleman from Virginia [Mr. SMITH] has explained really what the rule aims to do.

The rule itself provides for 9 hours' general debate and is an open rule with-

out the amendment agreed to in the Rules Committee.

I am placed in a rather embarrassing position in calling up this rule, because I feel it is a dangerous rule to adopt.

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Do I understand that the gentleman appears here as chairman of the Rules Committee in opposition to the rule which the committee directed him as chairman to report?

Mr. SABATH. I am only saying what I believe the rule will do. I am not opposing it.

Mr. SMITH of Virginia. The gentleman is chairman of the Rules Committee?

Mr. SABATH. Yes, I am, and I have been directed to report this rule.

Mr. SMITH of Virginia. Will the gentleman answer the question?

Mr. SABATH. I refuse to yield any further.

Mr. SMITH of Virginia. I thought the gentleman probably would.

Mr. SABATH. Mr. Speaker, I want to be notified when I shall have consumed 10 minutes.

Mr. Speaker, I am doing my duty as chairman of the Rules Committee. Ever since I became chairman of that committee it has not been my wish that it acquire greater jurisdiction than it has. In my opinion the power and the jurisdiction of that committee are great enough without violating the satisfactory precedents that have been in force for many, many years.

Mr. Speaker, I want the Members to be very familiar with what this rule does. It permits any amendment and it also makes in order any amendment contained in the bill of which the gentleman from Virginia spoke, the said bill containing some 57 pages. None of the members of the Committee on Rules ever read that bill or knows what it contains. As I have said, Mr. SMITH'S select committee's report does not come in unanimously. There is a minority report filed against it.

The gentleman from Virginia [Mr. SMITH] has called attention to many, many shortcomings, and, perhaps, probable abuses; but I am not here to defend the O. P. A. as to some of its regulations. I want it to be understood that I am in favor of granting a rule for consideration of H. R. 4941; but I feel the rule as reported goes far afield and will set a precedent which will plague the House in the future. Of course, any germane matters would be permitted under the broad rule that we usually report, but in this instance any matter, regardless of its germaneness to the bill before us, could be and would be in order. Just think in what position it will place the Members and the House in the future if such a policy is pursued. As I have said, I have no personal interest in the matter. I assure you I am only trying to do what I believe is the right thing in preserving the orderly proceedings of this House.

From the beginning of my service here I have fought against such conditions as prevailed under Speaker Cannon, under which conditions the membership of the House was restricted and precluded from voting on many measures. Ever since I became chairman of the Committee on Rules I have urged liberal rules. I am proud to say that only two or three times since I have been chairman of the Committee on Rules have I brought in closed rules, and that was done for the Committee on Ways and Means in connection with revenue matters with the approval of both the majority and the minority of that committee. I am pleased that the House has invariably sustained my position and recognized my aim to protect against any improper legislative procedure. Unfortunately, this rule is not only an open one but it would really, I fear, endanger many liberal rules and deprive all of the legislative committees of their rights and functions by making in order bills that have not been acted upon favorably, or at all, by legislative committees and any Member could come in with a bill and ask that it be substituted for a committee bill or the provisions in his bill should be made in order regardless of whether or not they were germane to a bill.

What I am doing is simply calling the attention of the House to this matter so that it will realize and recognize the effect that it might have in the future. So long as I am chairman of the Committee on Rules I shall retain to myself the right and the privilege of opposing rules which I feel are not conducive to orderly legislative procedure of the House. I am placed in a rather embarrassing position in reporting this rule but I am carrying out the action of the committee, regardless of the past and current criticism of the gentleman from Virginia [Mr. SMITH] and the gentleman from New York [Mr. FISH] and the gentleman from Georgia [Mr. COX] for my trying to protect and preserve the rights of legislative committees.

The gentleman evinces great interest in small businessmen because they are by O. P. A. precluded from increasing their prices. I am sorry that he did not yield to me with regard to his statement in this respect, but I presume he meant to say that people should not be precluded from taking on for sale higher priced merchandise than they originally handled. I am not quite sure how far-reaching this restriction is, but I do know that even retailers are not selling below cost, and from reports I have received nearly all of them are better off today than ever before, and this notwithstanding the restriction to which the gentleman refers. The people who are mostly interested in the elimination of price ceilings, as I am informed, are the oil operators and the real-estate operators who obtained valuable properties and apartments after the Republican crash in 1929 for, as I have said, 10 and 15 cents on the dollar. To them an increase of rents has been denied because it is shown that they are obtaining a handsome income on their investments. Right here I wish to say with respect to the complaints against the O. P. A., some of them have been unjust, but some people have been unfairly treated; there have been many harsh penalties; many unnecessary court proceedings have been commenced and many fines levied. I am also satisfied the O. P. A. is not being conducted as efficiently as it should be, but, on the whole, I believe that the Administration and the legislation aims to hold down excessive prices, the gouging of the consumer, and prevent inflation. However, I feel that even if the gentleman from Virginia [Mr. SMITH] or anyone else had been placed in charge, he could not have obtained a greater efficiency and eliminated more of the errors and unfair administration of the act.

I concede that perhaps some of the prosecutions should not have been commenced, that some people should not have been hauled to court and damages exacted. I myself originally advocated putting everybody on his honor, especially as to rationing, but it has been tried and, unfortunately, it did not work. Therefore, legislation was necessary, and certain restrictions were imposed. Over a year ago, when the price of foodstuffs went sky high, I urged the placing of price ceilings on livestock and foods but, unfortunately, it was some time before that was effected, due to the fact that the growers, producers, manufacturers, and businessmen opposed any restrictions or price ceilings. But today I am sure, notwithstanding the defects in administration and shortcomings of the O. P. A., it has held down the cost of living, as is unmistakably shown by competent evidence.

Naturally, I am interested in the administration of the Price Control Act, but, above all else, I am interested in the consumer and the little man; and if the gentleman from Virginia [Mr. SMITH] will introduce an amendment that will aid consumers and eliminate any of the abuses that may be proved, I will support it. But I feel, Mr. Speaker, as I have said, that it is my duty to call attention to the rule that I have been directed to report, which, if adopted, will deprive a standing legislative committee of its rights and jurisdiction, and effect conditions that will embarrassingly delay the orderly procedure of this House.

The gentleman from Virginia [Mr. SMITH] has asked me whether I am opposed to the rule. I voted against it in committee, and I have a right, when I am against a rule, although I am the chairman, to oppose it if I feel it is wrong, goes far afield, and contravenes the established precedents of the House.

Surely we all receive complaints. I have many of them. But is there a single law that we have ever passed that was perfectly satisfactory to all? No. I know that the real-estate operators who obtained many apartment buildings for 10 or 15 cents on the dollar want their rents increased, notwithstanding they are making a real profit out of their investments. I know that the oil people desire some amendments in the bill.

I feel at this time, Mr. Speaker, that we should have the interest of the entire country at heart instead of the interest

of a few selfish, avaricious men who desire to get more and more out of the Treasury for their own benefit.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I cannot yield now. I only have a few more minutes. I may yield later on.

The gentleman from Virginia [Mr. SMITH] complains that the C. I. O. is for this legislation, that is, for the Committee on Banking and Currency bill, and for the law now in force. It is not only the C. I. O. I venture to say that 95 percent of the American people are for the law, and they approve of the splendid action of the Committee on Banking and Currency in amending the act in many respects, eliminating some of the abuses or shortcomings that have been called attention to by the gentleman from Virginia [Mr. SMITH].

I am now inserting in the RECORD an article showing some prices during World War No. 1 and the present time. It says:

S. S. PIERCE CO.

Family Grocers Since 1831

Boston, May 15, 1944.

THEN AND NOW

In the third year after our entry into—

The last war $43.75 would buy—

One barrel Swansdown flour;

One hundred pounds sugar;

And nothing else!

The present war $43.75 will buy—

One barrel Swansdown flour;

One hundred pounds sugar;

And these 88 other items—

Choisa Ceylon tea, ¼-pound package.

Red Label coffee, 1-pound bag.

Swansdown baking powder, ½-pound tin.

Overland peanut butter, 1-pound jar.

Overland wheat cereal, 28-ounce package.

Shredded wheat, 12-ounce package.

Overland premium chocolate, ½-pound cake.

Baker's Dutch process cocoa, ½-pound tin.

S. S. P. sweet biscuits, 1-pound package.

Educator Crax, 1-pound package.

Sunshine Krispy crackers, 1-pound package.

Uneeda biscuits, 4-ounce package.

Pennant butter cookies, 12-ounce package.

Red Label large eggs, dozen.

Overland vanilla extract, 2-ounce bottle.

Epicure boneless codfish, 1-pound box.

Red Label salmon steak, 7¾-ounce tin.

Red Label red Alaska salmon, 16-ounce tin.

Quaker yellow corn meal, 24-ounce package.

Swansdown corn starch, 1-pound package.

Swansdown pancake flour, 20-ounce package.

Pie crust mix, 8-ounce package.

Pillsbury's cake flour, 2¾-pound package.

Choisa pulled figs, 1-pound package.

Overland 18-24 prunes, 1-pound package.

Epicure seeded raisins, 15-ounce package.

Epicure seedless raisins, 15-ounce package.

Overland watermelon rind, 10-ounce jar.

Red Label applesauce, No. 2 tin.

Red Label strained cranberry sauce, 1-pound jar.

Red Label fruit salad, No. 2½ tin.

Red Label fresh flavor peaches, No. 2½ tin.

Red Label orchard ripe pears, No. 2½ tin.

Red Label sliced pineapple, No. 2 tin.

Epicure gelatine, package 4 envelopes.

Overland clover blossom honey, 1-pound jar.

Choisa herring salad, 4-ounce jar.

Overland olive spread, 5-ounce jar.

Choisa sardine spread, 3-ounce jar.

Choisa fig jam, 2-pound 3-ounce jar.

Overland grape jam, 1-pound jar.

Overland strawberry jam, 1-pound jar.

Prune jam, 1-pound jar.

Overland crab-apple jelly, 12-ounce jar.

Overland grape jelly, 12-ounce jar.

Overland guava jelly, 12-ounce jar.

Overland macaroni, 12-ounce package.

Overland spaghetti, 12-ounce package.

Epicure orange marmalade, 1-pound jar.

Raspberry-flavored marmalade, 1-pound jar.

Red Label sliced bacon, 1-pound package.

Epicure boned chicken, 8½-ounce jar.

Overland chicken spread, 4-ounce jar.

Overland ham spread, 4½-ounce jar.

Armour's lunch tongue, 12-ounce tin.

Ready-cut smoked turkey, 1-pound jar.

Swift's Prem, 12-ounce tin.

Red Label chicken fricassee, 14¾-ounce jar.

Royal Purple evaporated milk, 14½-ounce tin.

Overland queen olives, 4¾-ounce bottle.

Overland stuffed queen olives, 6-ounce bottle.

Wesson oil, quart bottle.

Overland sweet midget gherkins, 10-ounce bottle.

Overland sour mixed pickles, 15-ounce bottle.

S. S. P. French dressing, 8-ounce bottle.

Swansdown salt, 2-pound package.

Red Label clam chowder, 11-ounce tin.

Red Label cream of tomato soup, 16-ounce tin.

Red Label green turtle consomme, 13-ounce tin.

Red Label tomato soup, 10½-ounce tin.

Red Label vegetable soup, 10½-ounce tin.

Overland cider vinegar, gallon jug.

Red Label tomato juice, 24-ounce tin.

Overland tomato juice cocktail, 26-ounce bottle.

Overland oven-baked pea beans, 28-ounce pot.

Red Label tiny stringless beans, No. 2 tin.

Red Label sliced beets, No. 2 tin.

Red Label julienne carrots, No. 2 tin.

Red Label golden bantam corn, No. 2 tin.

Red Label whole kernel corn, No. 2 tin.

Red Label spinach, No. 2½ tin.

Red Label tomatoes, No. 2½ tin.

Epicure grape juice, pint bottle.

Red Label grapefruit juice, No. 2 tin.

Red Label pineapple juice, No. 2 tin.

Epicure prune juice, 32-ounce bottle.

S. S. P. cold cream soap, box 12 cakes.

Five-pack Overland perfecto cigars.

HAS O. P. A. PRICE CONTROL KEPT PRICES DOWN?

As this demonstration shows, O. P. A. price control has been of great benefit to the consumer in keeping prices down. The comparison of what $43.75 would buy then and now is dramatic evidence of what can, and does, happen when prices are not controlled.

This exhibit brings up to date a comparison of prices which we have presented from time to time during the past 25 years, as a matter of general interest.

Because these items were much in the public mind, a barrel of flour and 100 pounds of sugar were used as the original basis for comparison.

The Committee on Banking and Currency has worked assiduously on this bill. It has heard many witnesses. I think it devoted about 2 or 3 months' time to the bill. That industrious committee consists of 26 members. I am pleased to say that I consider that committee one of the outstanding House committees. I have the utmost confidence in the very able gentleman who is chairman of the Committee on Banking and Currency [Mr. SPENCE], and the able, industrious, and scholarly gentleman from Michigan [Mr. WOLCOTT] who is leader of the minority of that great committee. They all come to the Committee on Rules and ask, not for a closed rule, but for an open rule; not for a rule that will permit anything and everything to be brought up in the nature of an amendment, regardless of whether it belongs to this bill or to some other matter we are to consider.

In view of that fact I think that the unanimous action of 26 able and painstaking men is entitled to favorable consideration. Further, the splendid committee of 7 that the gentleman from Virginia [Mr. SMITH] represents is entitled to respectful consideration. As I have said, a minority report was filed, so that there are actually 5 against 21.

In view of these facts I feel it is a mistake to adopt the rule as it is written. I believe we should grant an open rule, giving the Members an opportunity to offer amendments, and the House should be able to consider any amendment that is germane to the bill.

Mr. Speaker, I now yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I hesitate to criticize the chairman of the Committee on Rules [Mr. SABATH] but it seems to me that when a chairman of the Rules Committee is not in favor of a rule that has been reported out by the Committee on Rules, he ought to turn over the control of the time to some member of the Committee on Rules who is in favor of the rule and is supporting the rule that has been reported. I believe that is the orderly and customary procedure, and if it is not, certainly it should be, on the basis of fair play.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FISH. Certainly, I yield to the gentleman from Illinois.

Mr. SABATH. Does the gentleman think it is unfair on my part to try to preserve the right of the minority?

Mr. FISH. The gentleman is the chairman, representing the majority of the committee.

Mr. SABATH. Have I ever denied anybody time——

Mr. FISH. I make the proposition only that the time should be controlled by the majority in favor of the rule. I am not concerned in this controversy. I do not care particularly what happens to this rule; I want to make that very clear at the outset. It is a wide-open rule, so wide open that it is being opposed on that basis, and not because it is restrictive or a gag rule. I am not advocating it one way or the other, because I do not consider there is any principle involved or conviction on my part, and I submit that the Committee on Rules is nothing but the servant of the House. The House has a right to write its own rules, and it will not bother me one bit if the House decides in this case to change or amend the rule as adopted by a very large majority of the Committee on Rules.

Mr. SABATH. Mr. Speaker, will the gentleman yield again?

Mr. FISH. Certainly.

Mr. SABATH. I am not going to say how the gentleman voted, but knowing how he voted I felt that it was my duty to do what I did. How will he vote now? Is he not for the rule?

Mr. FISH. The gentleman did not state how he voted, but I will say how I voted in the committee.

Mr. SABATH. I said I was against it.

Mr. FISH. I voted for the rule in the committee, and I think the House ought to know what was before the Committee on Rules.

In the first instance, the proposition was to grant a rule for the entire Smith bill and make the entire Smith bill in order as a substitute for the bill from the Committee on Banking and Currency. That would have been unfair, because it would have given the right-of-way to the Smith bill over the bill reported by the Committee on Banking and Currency, and the Smith bill would have been considered first and would have had legislative priority.

On reconsideration the Committee on Rules thought the fair and proper thing to do was to compromise and make in order those parts of the Smith bill that were not germane to the Spence bill so that they could be presented to the House by way of amendment, and permit the House to pass final judgment. That seemed at the time to the members of the Rules Committee to be a fair proposition.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. FISH. I will yield in a minute.

That is what I think impelled the overwhelming membership of the Committee on Rules to write a rule of this kind. Evidently because Mr. Smith, the chairman of the committee appointed by the House to investigate the executive agencies of the Government, there are certain Members of the House who are suspicious of Mr. Smith and the proposals that he advocates. I happen to be one who will not vote for any drastic antilabor legislation that comes before the House, if it is designed to deprive American wage-earners of any of their hard won rights whether it comes from the Smith committee or any other committee.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

I do not believe that is the issue before the House. The gentleman from New Jersey [Mr. HARTLEY], certainly a friend of labor, always recommended and endorsed by the American Federation of Labor, is a member of the Smith committee. He is in favor of this rule and he is in favor of most of the proposed amendments.

I am unable to say that I am in favor of any one or all of the Smith amendments. I may vote for them all or I may vote against all of them. I only want to give him the right to present them. After all, that investigation of executive agencies started in the Rules Committee. The gentleman from Virginia is a member of it. We sponsored it. The House overwhelmingly endorsed it and authorized the expenditure of $50,000, which money was spent upon this investigation. The gentleman from Virginia [Mr. SMITH] submitted a report and introduced a bill as a result of that investigation, and he merely wants the chance to present these amendments and the facts to support them before the House.

Are you afraid to face these issues squarely that are before the country, you on both sides who are talking about regimentation and the civil rights of the American people? Or do you want to dodge the issues and vote the rule down? I am willing to meet these issues and vote accordingly on the merits of each amendment.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. FITZPATRICK. Does the gentleman believe the amendments ought to be subject to a point of order if they are not germane to the bill?

Mr. FISH. I have already explained that this report has been done at the direction of the House. Many of the proposed amendments have to do with rent control, and with rationing, and might not be germane to the Spence bill. Those amendments should be presented at this time. We have to face the facts and the conditions. We are about to recess within 30 days, and unless it is done that way this question of rationing will not be brought up and these other amendments will not be presented for your consideration.

Mr. FITZPATRICK. For that reason we are going to waive all points of order?

Mr. FISH. To present it to the House; yes.

Mr. FITZPATRICK. Why not leave it an open rule?

Mr. FISH. I do not see why the House is not competent to decide on the merits of each amendment. I do not see why the House does not have the courage and the intelligence to face these vital issues and not be protected by rules of procedure. This is a legislative body to protect the interests of all the American people.

Mr. FITZPATRICK. Rules are what the House has been governed by in the past.

Mr. FISH. If you want to have a Committee on Rules that will protect you against every vote, tell it to your district and see what your constituents think about that. I am not a rubber-stamp Member of Congress. I want Members on both sides to know that I am willing to meet these issues fairly and squarely. I may vote against them all. If they are antilabor, I will vote against them if they are unfair and unjust to American labor. I am glad the Crosser railroad amendment to provide that the decisions of impartial boards set up under the Railroad Labor Act shall not be vitiated by bureaucratic directives. I am sorry that I ever voted for the Smith-Connally bill. I think it promoted strikes. I led the fight against the rule on the Smith-Connally bill and tried to have the House vote it down and refuse to consider the Smith-Connally bill. I did everything I could to prevent the Smith-Connally bill from coming up at that time because it was in the midst of the miners' strike, and I knew under the stress of that strike it would be unfortunate and difficult to legislate intelligently. I regret that I voted for it, at least on one occasion—I think I voted against the Senate bill and for the House bill as amended—because it has promoted strikes. I have told my people that, and I want everybody else to know it. I have signed the petition to repeal the Smith-Connally bill. It would have been much wiser if we had voted down the rule. Then we would have had a different story after the miners' strikes had been settled and we would not have passed such drastic legislation.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman has been a member of the Committee on Rules for many, many years. Does the gentleman recall a practice ever existing whereby the Committee on Rules reports out a rule for the consideration of a bill allegedly acting in good faith, and at the same time provides a provision in that same rule for the doing of a hatchet job on the very bill for which it reports out the rule? That is most extraordinary.

Mr. FISH. I deny that part of your statement that refers to a hatchet job.

Mr. MARCANTONIO. Does not the rule make in order the Smith bill? The gentleman himself said it would be unfair to give the Smith bill the right-of-way.

Mr. FISH. The whole bill, certainly, because that would have given it priority before the House. Under this rule you can offer amendments in the orderly way. There have been occasions when the Committee on Rules has done that, on the bonus bill and a number of others.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman knows that the bonus bill was before the very committee that reported out another bill, and the Members asked that the Committee on Rules report out a rule making in order as a substitute the Patman bill. That is a different situation than this. The gentleman also knows, I am sure, having read the Smith bill, that practically all the provisions of the Smith bill would be germane to this bill under an open rule.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. FISH. Mr. Speaker, I yield myself 3 additional minutes.

Many members of the Committee on Rules felt that some of these amendments the gentleman from Virginia [Mr. SMITH] is going to propose would not be germane, not just the War Labor Board amendments but others, as to rent control, and rationing. They felt this was the only way to get the amendments before the House. I feel the same way. I do not particularly like to stand here and advocate this rule, but if any drastic antilabor amendments are offered, I shall oppose them. I think it is a matter for the House to decide. I have no particular convictions about it. As I said in the beginning, I do not care a continental what the House does about this rule. If you do not want to face these issues, such as rationing, if you think they will embarrass you, and you are afraid to face them, then vote the rule down. I am not afraid to face any of these issues and vote on them. I will, however, vote against any antilabor legislation that is brought up that is unfair to labor. So I do not care a bit what the House does, and I do not want to stand here and consume time fighting for this rule. I am not fighting for it. I voted for it in the committee at the time only because I thought it was, in the spirit of fairness, the proper procedure and in the public interest. I know of no other way before the 20th of this month to bring the proposed amendments before the House. If the House does not want this procedure, it has the power to vote it down. It will not bother me one bit what you do. I am willing to vote for the rule and to vote on any amendment that is brought before the House.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. SABATH. The gentleman from New York has always been fair to me, and I know that he does not wish to say anything today that is unfair. He knows that my position was the same on the Smith-Connally bill as well as on the other bill that was mentioned when the so-called precedent was established, the Barden bill. I was placed in the same embarrassing position because I thought it was wrong for the Committee on Rules to do what it did. Consequently, I am doing the same thing today.

Mr. FISH. I do not want to embarrass the gentleman or any other Member of the House. I think it is in the public interest to consider these amendments. Members on both sides have been talking about regimentation and about rent control and rationing and the civil rights of the American people, but when these issues are brought before us we try to duck and dodge them, put them off, and evade them. Let us pass the rule and face them now and vote them up or down on their merits, or stop speaking about and criticizing the failure of Congress and the administration to protect the rights of the American people against bureaucratic regimentation and directives.

Mr. SABATH. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, the rule presently before the House is a sample of what has been going on for several years when important legislation is submitted to the House by the Rules Committee. I think it is generally understood that the Rules Committee was set up for the purpose of expediting legislation.

Many years ago this House was presided over by a Speaker who was commonly called throughout the Nation the czar. He was all powerful. In fact, he controlled the operations of the House. Not only did he dictate what legislation was to be considered, but he also was clothed with the power to name members of the various committees in the House. As a result of the policy he adopted there was a revolt led by the former Senator from Nebraska, Mr. Norris, then a Member of the House, and the czar was dethroned. The dean of this present House, the gentleman from Illinois [Mr. SABATH], then a young Member, took an active part with Senator Norris.

It mattered not in future years whether the Republicans or the Democrats were in control of the House, the procedure was practically the same. Either a policy or a steering committee was set up and recommended to the Rules Committee what legislation should be granted special consideration. Likewise, a new method was found to name members of the committees, both minority and majority. The Democrats placed that power in the hands of the Ways and Means Committee, while the Republicans set up a Committee on Committees.

It cannot be denied that the Democratic Steering Committee, which could be called a Policy Committee, would meet and pass upon requests for special legislation that had been reported by the legislative committees, and when a decision was reached it was passed on to the Rules Committee. In the last 2 or 3 years, however, that policy does not prevail.

The Rules Committee are the ones now who dictate what legislation this House can and cannot consider, where a special rule is needed. This has progressed to such an extent that I feel it is time to call a spade a spade. This situation results from a coalition between certain Democrats and certain Republicans on the Rules Committee. These certain Democrats, together with the Republicans on the committee, control the situation.

The Rules Committee was never set up as a legislative committee, nor did anyone ever feel that it would develop into a legislative committee, but under the present policy it certainly has taken upon itself to dictate legislation. As an example, let me say that the Rules Committee now, in certain instances, calls in witnesses who have previously testified before a legislative committee and discusses the merits of the legislation.

It has on numerous occasions required a legislative committee either to strike out certain provisions of a bill or agree to certain amendments before the rule would be granted. In other words, it has set itself up as a super-duper committee assuming control over the various legislative committees of the House. If this does not stop I predict there is going to be another revolt.

Now take the rule before us today. It provides not only for the consideration of the bill reported by the Committee on Banking and Currency extending the O. P. A. Act, but it likewise provides that the gentleman from Virginia [Mr. SMITH] can offer any part or all of the provisions of the bill that he introduced, 57 pages, and that they will not be subject to a point of order. The Committee on Banking and Currency, I understand, considered the Smith bill and it did not include his measure in the bill as reported. No one can deny but that the gentleman from Virginia [Mr. SMITH] is a powerful member of the Rules Committee.

Now what was the purpose of bringing in a rule making the provisions of the Smith bill in order? In my humble opinion it was for no other purpose than to embarrass the administration. They are crippling amendments and might, if enacted into law, destroy the O. P. A. Act.

I cannot conceive that the House will adopt these amendments but if any of them are added in the Committee of the Whole, when we return to the House I feel that the Members should be entitled to a separate vote on every amendment added if it is so desired. We have listened recently where Members will add an amendment in the Committee of the Whole and when a special vote is requested in the House a sufficient number of Members would refuse to stand up to provide a roll call so a record vote could be taken on the amendment. That is exactly what is likely to happen if any of the Smith amendments are adopted.

It seems to me if the Rules Committee wants to play fair with the Members of the House that they should also provide that in the event that any of the Smith amendments are added to the bill in Committee, that when the measure is returned to the House a yea-and-nay vote on those amendments would be considered as having been ordered. In that way Members would be on record in showing whether or not they favored crippling this meritorious law.

I dislike to be critical but the time has arrived in my opinion when something must be done to prevent a coalition of Republicans and Democrats on the Rules Committee from embarrassing, not only the House, but the administration.

The way to do it is to vote down the previous question. Then the resolution would be open to amendment and the House could eliminate the objectionable language. In its present form I will not vote for the rule.

The SPEAKER. The time of the gentleman has expired.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, it is unfortunate that we are in a position where, in the consideration of urgent legislation, there are those who say we are opposing or defending the administration rather than considering the merits of the legislation. I do not think anybody will accuse me of defending all acts of the administration, and by the same token they will not accuse me of not supporting the administration, when I think the administration is right. This is no occasion to indulge in political harangue.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the distinguished majority leader.

Mr. McCORMACK. I do not like to use the word "accusation," but there is one "accusation" I would like to make against the distinguished gentleman from Michigan, and that is, he is always intellectually honest.

Mr. MICHENER. I thank the gentleman.

The question before the House is simply this, and I shall speak entirely from a procedural standpoint. A bill was introduced in the House and was referred to the Committee on Banking and Currency, the purpose being to deal with O. P. A. or price fixing. The committee held about 40 days' hearings on that subject. Then the committee, as I understand, unanimously reported to the House H. R. 4941. The committee unanimously appeared before the Committee on Rules and asked for an open rule; that is, that this bill might be brought to the floor of the House with 9 hours' general debate, nd all the time anybody in the House wanted to offer amendments, and with the privilege of every Member in the House offering any germane amendment he saw fit. That is the committee bill and the committee's position.

After the hearings before the Rules Committee, the distinguished gentleman from Virginia [Mr. SMITH], who is the chairman of an investigating committee, to which he has given much of his time and work, filed a report in the House—not on a bill but a report of its work. Following this report of the committee, the distinguished gentleman from Virginia placed in the bill, H. R. 4647, his views as to certain changes that should be made in existing law. The gentleman from Virginia then asked the Committee on Rules that the request of the legislative committee be disregarded and that his bill, which has never been considered or reported by a legislative committee, be made in order in preference to and as a substitute for the legislative committee bill. So that, had the committee granted that rule, we would have today read the Smith bill. After perfecting the Smith bill, there would have been a vote between the Smith bill as perfected and the committee bill without any amendments. The Committee on Rules voted that down. Then the gentleman from Virginia asked that all points of order to any provision in the 57 pages of H. R. 4647 be waived and that every item mentioned in his bill, H. R. 4647, be in order as amendments to the committee bill. That is the rule which is before the House now. It does nothing more nor less than that.

The Office of Price Administration was created by statute. The purpose of the Banking and Currency Committee bill is to extend the life of that statute and make some needed amendments to the O. P. A. law. I cannot impress upon you too strongly that any amendment pertaining to the O. P. A. law will be in order under the general rules of the House and without any special extension or limitation through a special rule.

The Stabilization Act gets its vitality by virtue of an Executive order. There is a difference between the O. P. A. law and the Stabilization Act.

The Smith bill covers amendments to the O. P. A. law, to the stabilization law, to the Smith-Connally law, to the Wagner Act, and, I believe, to other laws. I cannot speak accurately because I have not had an opportunity to read and digest its 57 pages.

It was the intention of the Banking and Currency Committee to extend the O. P. A. Act, as well as to make needed amendments to that act. It was not intended to make this O. P. A. bill a carrier to which miscellaneous riders and amendments might be added where legislative committees of the House have not held hearings and given consideration to the proposals. I, therefore, voted for an open rule in the committee and I voted against making this bill an omnibus bill. The Rules Committee has certain functions, but it is not omnipotent. While its functions are necessary under our parliamentary procedure, yet it can very easily destroy its usefulness by proceeding in the direction followed in the reporting of this rule.

Mr. Speaker, if the previous question is voted down at the end of the 1 hour's debate, then I am informed an amendment will be offered to the rule, the effect of which will be to make the Banking and Currency Committee bill wide open to every germane amendment offered. What can be fairer? What is more sensible? Nevertheless, the decision is up to the House. If it is desired to create this new precedent and to embark upon a course which, in my judgment, is bound to lead to parliamentary chaos, then adopt this rule as reported by the Rules Committee. In the final analysis, the decision is with the House, but we should think long and understand clearly before such a step is taken.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, the only thing I want to say is insofar as I personally am concerned, I am in favor of the rule and I am prepared to vote on any amendment that may be offered which is germane under the rule or otherwise. I do not know any reason why we should not meet these issues. I think

the Smith committee did a grand job, and I think it should be recognized. Let their amendments come before the House and let us deal with the amendments when they are called up. As a member of the Committee on Banking and Currency I simply want to make that statement.

Mr. FISH. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, I listened very attentively to the remarks made by the gentleman from Virginia [Mr. SMITH]. I hope that Members of the House will not get the impression that unless the Smith committee bill is made in order they are going to be deprived of voting on the issues which it raises, with the exception of those which seek to provide certain restrictions in respect to action taken by the War Labor Board. He said, speaking of wage stabilization:

> I realize that there is not much sentiment for that subject, and it is not my purpose to offer those amendments to stabilize wages. So that the only amendment in that connection that I expect to offer will be those amendments which relate to court review and which relate to prohibiting the War Labor Board from exercising certain functions that are clearly in violation of the Constitution.

If you will take title V of his bill you will find it makes some very material changes in the jurisdiction of the War Labor Board and provisions of the National Labor Relations Act having no connection whatsoever with the stabilization of prices, rents, wages, or salaries. None whatsoever. But with the exception of those provisions contained in title V which I have just mentioned, there is not a single amendment which the gentleman discussed that cannot be offered by him or any member of his committee or any other Member of the House, because they are all germane. So it is very apparent that the only purpose of making the so-called Smith bill germane to this bill is to authorize the consideration of two most controversial subjects, absolutely outside the field of price control and wage stabilization—matters that should be taken up individually. The gentleman mentioned the fact "Why should we not now dispose of the so-called Montgomery Ward dispute?" Why should we not? Because we have set up a special committee which is now, perhaps today, in session discussing that all-important, all-absorbing question, and no legislative committee I know of in the House of Representatives has ever given consideration to it. I know the Committee on Banking and Currency has never given consideration to any provision like this, that the War Labor Board shall make no order requiring any person to agree to submit any dispute to arbitration. If I understand it, that is the whole meat of the War Labor Board. If they cannot compel arbitration of labor disputes then they have no control over labor disputes. Do you want to inject that into this bill? I may say to you frankly, we are working on a very, very sensitive balance in this bill, and a little emotion on one side or the other will throw it out of balance. I do not want to see this bill over-balanced by any of these extraneous disputes which, at best, are highly controversial.

So the best thing for us to do is to vote down the previous question. Then I understand the esteemed gentleman from Kentucky [Mr. SPENCE], chairman of the Committee on Banking and Currency, will offer an amendment, which will not be in order unless we do vote down the previous question, to strike out the first sentence on page 2, which makes the whole of the Smith bill in order. Now, it has been rumored around the floor that the gentleman from Virginia [Mr. SMITH] does not intend to offer those amendments. That is why I read verbatim the statement he made, that he did intend to offer them. Of course, all of the other provisions being germane to the bill without this language in the rule, the only purpose of this provision which makes in order his bill (H. R. 4647) is to get us on a side track somewhere. If we are not careful about that, Mr. Speaker, we will find ourselves on that side track perhaps for the duration. It involves one of the most highly controversial subjects that this House has ever had to consider. All of us know that we have been treating that delicate subject as tenderly as we would a new-born babe, in order not to interfere with the orderly settlement of labor disputes under laws which you have already set up to do. If you want to change those laws, let us do the brave thing. Let us not put ourselves in a position where we have either to vote for or against labor, and for or against price control in the same bill. If you want to do so, bring out a bill to do the things which the so-called Smith committee wants to do, refer it to the proper legislative committee. Then we will be brave and we will be courageous and we will not hide behind the price control bill in anything we want to do in that respect.

I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, I yield 4 minutes to the gentleman from Texas the distinguished Speaker of the House [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I ask the pardon of the House for taking the floor at this time, but after 31 years of service in the House of Representatives I am very jealous of the rights, prerogatives, and privileges of the House of Representatives. I am also very jealous of the rights, prerogatives, and privileges of all of the committees of the House of Representatives. That is why I ask your attention for a few moments.

As was so ably said by my distinguished friend from Michigan [Mr. WOLCOTT], we have before us a bill which the Committee on Banking and Currency patriotically and sensibly considered for a long time. They did their work. In the usual way they appeared before the Committee on Rules for a rule for the consideration of their bill. During the consideration, other matters were brought into the committee. I take this time to warn the Members of this House, every one of whom is a member of a legislative committee, except those who are members of the Rules Committee and no other committee, the Committee on Rules was never set up to be a legislative committee. It is a committee on procedure, to make it possible that the majority of the House of Representatives may have the opportunity to work its will. If this is orderly, if that part of the rule that is in controversy here is orderly, then the legislative committees of the House might well take care, because the Committee on Rules, under this system, can meet, you can introduce a bill today, refer it to a legislative committee, and the Committee on Rules tomorrow can bring in a rule making it in order. Do you want that kind of condition to obtain in this House? That is where rules with provisions like this are leading us. We might as well face it today as any other time.

I do not want to take away any of the rights of the Committee on Rules, and I do not want the Committee on Rules to take away the rights, prerogatives, and privileges of other standing committees of the House of Representatives. Now, we are met face to face with this issue, Mr. Speaker. If we settle it one way today, then this matter will be here many, many times in the future. If we settle it like it should be settled today, I think there will be an end to the trespassing of one committee in the House upon the rights, prerogatives, and privileges of other committees.

The SPEAKER pro tempore (Mr. MILLS). The time of the gentleman from Texas has expired.

Mr. FISH. Mr. Speaker, may I inquire how the time stands?

The SPEAKER pro tempore. The gentleman from New York has 4 minutes remaining, the gentleman from Illinois 12.

Mr. SABATH. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. SPENCE], chairman of the Committee on Banking and Currency.

Mr. SPENCE. Mr. Speaker, I offer no apology for being opposed to this rule. I believe I would be recreant to my trust and disregardful of the obligations that are upon me if representing the fine committee I represent I would supinely submit to the treatment that has been accorded to us by the Committee on Rules.

We operate under rules, we follow precedents. In all the history of this House I am informed there is no precedent for the action of the Committee on Rules in this particular case. The Committee on Banking and Currency is a legislative committee that has jurisdiction over the matters contained in H. R. 4941. For 40 days we held hearings on this bill. The committee of which I am chairman gave assiduous attention, earnest labor, and sincere effort to that purpose. They brought out a bill. We went before the Committee on Rules. We made no effort to gag the House; we wanted to give every Member the right to offer any amendment that was germane to the

bill. We asked for an open rule; we asked for 9 hours' debate so that every Member of the House who desired to express his opinion had the opportunity so to do.

The Committee on Banking and Currency is a legislative committee; it is the only committee that has authority to report this bill. The Smith bill was offered to the Committee on Banking and Currency for its consideration. Some of the suggestions of the Smith bill were embodied in the bill reported out by the Committee on Banking and Currency. We believe we have reported a bill that is worthy of the consideration of this House. We believe we have reported a bill that will not impede or thwart the operation of the Price Control Administration. Every Member here knows how essential it is for our future welfare and happiness that we have orderly price control. There could be nothing more vital to the interests of America except the slaughter of our boys, God bless them and protect them, than to break down the economic life of the country. Anybody who tries to destroy price control in any respect or to weaken it is doing a disservice to his country.

What did the Committee on Rules do? They gave no preference to our bill, the bill we had worked on and slaved over, but they gave equal standing to a bill reported not by a legislative committee, but by an investigatory committee, a committee that had no legislative powers, and a committee which it seems to me exceeded its authority in attempting to impose its will over the will of the legally constituted committee. That is the whole question. If you vote today for the adoption of this rule without amendment, you destroy the precedents that have prevailed in this House since its inception. I am not astonished that the Speaker, who wants to preserve the integrity of this House, who wants to preserve the integrity and the jurisdiction of the committees of this House, should come into the well and speak against this rule.

I hope, Mr. Speaker, the previous question will be voted down and that we may then amend the resolution to make it a reasonable rule in conformity with the precedents of the House.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. MONRONEY], a member of the committee.

Mr. MONRONEY. Mr. Speaker, I believe there is some confusion on the part of a few Members in feeling that the Committee on Banking and Currency is trying to keep from being considered any amendment of the stabilization program or price-control program. That definitely is not the case, because by unanimous decision of the committee on numerous times we decided we wanted an absolutely open rule permitting any amendment that was germane to price control or wage stabilization. But the rule that has been brought in by the Committee on Rules makes in order any amendment to the Smith-Connally Act.

The Committee on Banking and Currency sat for 2 months, took more than 1,300,000 words of testimony on price control and wage stabilization.

DUMP NEW QUESTION

We now come before the Committee on Rules and find they are dumping into the complicated, intricate, difficult situation of price control all of the heat and uncertainty of antistrike legislation and the authority of the War Labor Board to settle labor disputes.

Mr. Speaker, had our committee attempted to consider most of the material in title 5 of the Smith bill, which is made in order by this bill, we would be violating the rules of the House. We went as far as we could.

We studied every one of the 200 amendments that were proposed to our committee; we discussed them, we incorporated some of the features of the Smith bill. But the matter of labor policy is clearly outside the jurisdiction of the Committee on Banking and Currency, yet this rule now under consideration makes that absolutely in order to the price-control bill.

If we want to legislate intelligently let us try and stay on the beam of price and wage control. We have enough problems there without having a red-hot fight on labor policy.

I therefore hope that other Members of the House and other committees that will be affected if this precedent be set here today will join us in helping to vote down the previous question so we can strike from this rule all things not germane to price or wage control.

Mr. Speaker, I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BROWN].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 4 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as a member of the minority of the Committee on Rules, I have been rather amazed that the majority members of the committee either have not seen fit or have not been granted time to speak in support of the rule which they adopted. I believe the House knows the Committee on Rules is made up of nine members of the Democratic Party and five Republicans.

The issue that is before us as to the adoption of this rule is simply this: Whether or not we shall have a rule which will permit the House of Representatives to actually work its will, and to consider any and all amendments to the Price Control Act. Let us remember, in the very beginning, the Committee on Banking and Currency does not have jurisdiction, in a legislative way, over all the actions of the Office of Price Administration. Consistently the Members who have addressed you have talked only about price-control legislation.

Of course, any amendment that might be presented under an ordinary open rule concerning pricing would be germane, but unless this rule is adopted any amendment offered relative to rationing would not be held germane.

Mr. Speaker, reference has been made to labor and to the labor provisions of this bill. Labor provisions were reported in this bill by the Banking and Currency Committee, and in all probability any amendment relative to that labor provision will be held germane; so that the real issue here is whether you want to discuss and consider all amendments that might be offered to the Price Control Act as it affects not only prices, not only wage stabilization, but also rationing.

Mr. Speaker, the people of this country do not make any differentiation in their minds as to the O. P. A., whether it has to do with price control, prices, or rationing. It is all in the same sack.

I know what is going on in the House as well as some of you. I imagine this rule will be voted down because I see the machine operating, but remember, when a point of order is raised against some amendment that you want in this bill to protect your people back home and it is held to be out of order and not to be germane, it will be because you have voted to make it not germane.

Mr. HALLECK. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HALLECK. There have been some who contend that they do not like the process of the judicial-review set-up in the committee bill; they would rather have that judicial review performed by the regularly established courts. Could the gentleman offer any opinion, in view of what was discussed in the Rules Committee, as to whether or not under an open, regular rule an amendment to change the manner of judicial review in that regard would be germane and in order?

Mr. BROWN of Ohio. It is very questionable. It would be germane under certain conditions, but it would not be germane as to the kangaroo courts as far as rationing problems are concerned. I have made a lot of speeches all over this country, and so have some of the rest of you, about protecting our constitutional rights against bureaucracy and all that. I am going to vote that way today. I think it is about time that we talk and vote the same way.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. CLARK].

Mr. CLARK. Mr. Speaker, I am always glad when I feel that the Rules Committee has done something which enables the House to work its will.

This Congress appointed a special committee, of which the gentleman from Virginia [Mr. SMITH] is chairman. That committee has done a great deal of work on this subject and it reported to the Congress the result of its investigations. It introduced a bill dealing with the subject. The special committee suggested to the Rules Committee that it adopt a rule making their bill in order as a substitute for the committee bill. The Rules Committee declined to do that, feeling that this would not be fair to the legislative committee. It was on my own

suggestion that the particular language under consideration was put in the rule and this was done because there appeared no other way in which this special committee that has studied the question can get any of its proposals before the House of Representatives. It seems silly to me to appoint a committee, spend a lot of money in investigating, and have that committee file a bill dealing with the subject, if the Congress is not going to have the opportunity of saying for itself whether it wants to adopt any of the recommendations of that special committee or not. I know of no way it could have been gotten at otherwise. It does not open the door wide. It confines these amendments from that committee to what is contained in a bill that has been introduced by it in the House. I feel, therefore, it would be wise to adopt this rule as it is and deal with the whole subject. If we are not qualified to do that we ought not to be here.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, obviously no one could discuss this rule in 2 minutes. It pains me very much to find myself in disagreement with the leadership and so many of my friends on this question. During the time I have been a member of the Rules Committee I have heard it criticized, lambasted, and chastised about bringing in gag rules. This is an open rule plus, yet we are held up here as a supercommittee, attempting to dictate to the House. Nothing is further from the truth.

Mr. Speaker, I think I know what is going on, too. I know what is going on on both sides of this aisle. I see gentlemen over here on the Republican side, in committee as well as upon the floor of the House, filling the CONGRESSIONAL RECORD with criticisms of the administration, claiming that the administration is surrendering to labor, that we are living under a labor government and all of those things, but, as the gentleman from Ohio has so well said, the test comes upon this vote.

As far as I am concerned, as a member of the Rules Committee, I think there is ample precedent for what the committee did. It took this action to give you an open rule and the opportunity to express your will. I do not care what you do with the rule. Vote it up or vote it down, but do not holler any more about what the administration is doing with bureaucracy and labor if you vote it down.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield the balance of the time to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the argument just made by the gentleman from Mississippi to me seems entirely irrelevant. To advance the argument that this involves the question of bureaucracy is to try to get a vote through an appeal to fear. It is simply a question of procedure, as has been ably stated by the gentleman from Michigan [Mr. MICHENER]. The question involved here is whether or not the legislative committees of this House, and I say this impersonally, are going to have their hard work overshadowed and obscured by the Rules Committee.

Our rules as promulgated are the result of the experience of past generations of Members of the House of Representatives. The House of Representatives has been in existence during the entire constitutional history of our country, and our rules and our customs are the result of those years of experience, the experience of you and me during our service as Members, and the experience of those who have preceded us.

This is the first time that a rule of this kind has ever been reported out, and, in my opinion, it is an unwise and unsound precedent to establish; it is something that will come to stare any party in the face that has a majority in this House in the future.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I move the previous question.

Mr. COCHRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCHRAN. Mr. Speaker, if the House votes down the previous question, am I correct in my understanding that the rule would then be subject to amendment?

The SPEAKER. If the previous question is voted down, the resolution is then subject to amendment.

The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 64, noes 153.

Mr. SMITH of Virginia. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the previous question was rejected.

Mr. SPENCE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPENCE: Page 2, line 1, after the word "rule", strike out the entire sentence commencing with the words "It shall", ending with "H. R. 4647", in line 4.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. SPENCE].

The question was taken; and on a division (demanded by Mr. SMITH of Virginia), there were—ayes 170, nays 44.

Mr. SMITH of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifty-nine Members are present, a quorum.

Mr. SMITH of Virginia. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE TIME LIMIT FOR IMMUNITY

Mr. SUMNERS of Texas submitted the following conference report and statement on the joint resolution (S. J. Res. 133) to extend the time limit for immunity:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the House insert the following:

"That effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, that operate to prevent the court martial, prosecution, trial or punishment of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, are hereby extended for a further period of 6 months, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

"SEC. 2. The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1 above, and to commence such proceedings against such persons as the facts may justify."

And the House agree to the same.

Amend the title so as to read: "Joint Resolution to extend the statute of limitation in certain cases."

And the House agree to the same.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
C. E. HANCOCK,
Managers on the part of the House.

CARL A. HATCH,
A. B. CHANDLER,
HOMER FERGUSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report.

The House amendment substituted the language of the House Joint Resolution 283, as agreed to by the House, for the language of the Senate resolution.

The first section of the House amendment was in substance the same as the corresponding part of the Senate resolution except the latter provided for an extension of 1 year instead of 3 months as proposed by the House.

The second section of the House amendment directed the Secretary of War and the Secretary of the Navy to institute court-martial proceedings for any offense committed by any person to whose court martial the

extension of time provided in section 1 relates, as soon as possible, and in no event later than the period of extension provided for in section 1. The Senate resolution directed the Secretary of War and the Secretary of the Navy to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1, and thereafter in their discretion to commence such proceedings against such persons as the facts may justify.

The conference agreement provides in section 1 for an extension of 6 months. Other language is added to clarify the intention that the extension is for the purpose of permitting court martial, prosecution, trial, or punishment of any person with respect to any possible or apparent dereliction of duty, or crime or offense against the United States.

Section 2 of the conference agreement is similar to the provision in the Senate resolution. It provides that the Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1, and to commence such proceedings against such persons as the facts may justify.

The title also is amended to correctly state the effect of the resolution.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
C. E. HANCOCK,
Managers on the part of the House.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on Senate Joint Resolution 133.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the conference report.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Members of the House are familiar with the subject matter with which this conference report deals but, with your indulgence, I want to read a portion of the statement of the managers on the part of the House. It is very brief:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report.

The House amendment substituted the language of House Joint Resolution 283 as agreed to by the House for the language of the Senate resolution.

The Members of the House are familiar with what was done in that transaction.

The first section of the House resolution was in substance the same as the corresponding part of the Senate resolution, except the latter provided for an extension of the statute of limitations for 1 year instead of 3 months as proposed by the House. We agreed to a 6-month extension.

The second section of the House amendment directed the Secretary of War and the Secretary of the Navy to institute the court-martial proceedings.

I assume you are all familiar with that phase.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK] one of the conferees who will make further explanation.

Mr. HANCOCK. Mr. Speaker, in the conference this morning your conferees on this resolution to extend the statute of limitations as it applies to those responsible for the Pearl Harbor disaster were not unmindful of the fact that this House expressed itself very clearly yesterday in favor of a period of extension of 3 months rather than of 1 year, as provided in the Senate resolution. However, where there are differences of opinion, strong differences of opinion, to be reconciled, there must be compromises. All six conferees agreed on 6 months, feeling that that was the best we could do to approximate the views of the two bodies we represent.

Mind you, if there is no agreement today there will be no resolution, and the accused parties, the guilty parties, will be free tomorrow of any danger of prosecution.

One strong argument against the shorter period of limitation was the fact that neither the Army nor the Navy has made any adequate investigation into the facts surrounding that disaster; in fact, Rear Admiral Gatch, the Judge Advocate General of the Navy, stated to the Senate committee that in his opinion there were no facts, or at least there were insufficient facts in his possession, to form the basis for a court martial against anybody. So in the hope that something may be done within a reasonable time, we provide in section 2 that both the War Department and the Navy Department shall proceed forthwith to make thorough investigations and within the 6 months' limitation to begin proceedings against the guilty parties. I do not believe we can do any better than that.

There are a few changes in phraseology which strengthen and clarify the bill, in the first section thereof, and I think it is a more workmanlike job.

That is all I can state to you. You may be disappointed that the extension is not 3 months or you may be disappointed that it is not a year, but this is a compromise and the best one that can be reached.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Does this provide for a 6 months' investigation or that the investigation must be made within 6 months?

Mr. HANCOCK. The first section extends the statute for 6 months. The second section will be clear if I read it to you:

The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts concerning the catastrophe described in section 1 above and to commence such proceedings against such persons as the facts may justify.

Mr. ROBSION of Kentucky. Does the gentleman understand that this provision to take action is mandatory upon the Secretary of War and the Secretary of the Navy within the 6 months?

Mr. HANCOCK. It is just as mandatory as we can make it. Of course, a good many people question our authority to give orders to the War Department and to the Navy Department, but we have gone as far as we think we can.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, as is usually the case when legislation is hastily considered, the action we took yesterday was not the action we would have taken had we given this very important question the consideration to which it was entitled. What we actually did yesterday was to extend the statute of limitations for a period of 3 months. Personally, I would suspend the operation of the statute of limitations for a period of 6 months after the cessation of hostilities as it applied to any offense against the United States; but it certainly seems to me that when we extended the period for merely 3 months we were doing just exactly opposite to that which the people who were for this measure thought we were doing.

In this conference report we have directed that an investigation be made. We have also provided in the first section for the prevention of the running of the statute of limitations against civilians. Obviously there is no authority in the War and Navy Departments to court martial civilians, and that is exactly what we did in the resolution as it passed the House on yesterday. That situation has been clarified so that we have provided that the statute of limitations is extended insofar as offenses committed by civilians as well as the military are concerned.

It seems to me that this report ought to meet with the approval of everyone, and I earnestly urge that it be adopted.

Mr. SUMNERS of Texas. Mr. Speaker, it would be a good thing if one general popular confusion could be cleared up. There seems to be abroad in the country the notion that the length of time in which prosecution against an offender may be initiated, a time beyond which if no prosecution is initiated the culprit goes free, has some controlling influence, and the period of time in which these agencies will begin to prosecute; that if it is a short time before the right to prosecute is barred, that shortness of time is to the advantage of the Government.

Two sections of the report deal with two distinct things. The first section fixes the period beyond which prosecution may not initiate. In the House bill it was 3 months, and in the Senate bill 1 year. This conference report recommends 6 months. As a matter of fact, the period ought to be not less than 6 months after the expiration of hostilities. The Committee on the Judiciary initiated general legislation that the right to begin prosecution for frauds against the Government should not expire until 6 months after the end of hostilities.

That extension of time in which prosecutions may be initiated was not to the disadvantage of the offenders but was to the advantage of the Government, and was against the crooks who had defrauded the Government during the war. Short periods of limitation beyond which prosecutions may not be initiated are to the advantage of those who want to escape prosecution. I do not believe that anybody ought to be able to escape punishment for any crime committed at Pearl Harbor, by an act of this Congress providing that he may not be prosecuted for that crime after 3 months from this date.

The second and last section seeks to get the proceedings with reference to the Pearl Harbor matter under way. The first section, the one which we have been discussing, as stated, deals solely with the limit of time in which prosecution may be initiated or the people guilty, if any, will go free.

There was one extension of the statute of limitation before this extension. It was an extension of a prior statute which expired on the 7th of last December. The danger of this short period of limitation which requires extension by a new law is well illustrated by what happened at the time that first extension was undertaken. The bill passed the House on the 7th of December. I believe the House was the last to act. I understand the President was out of the country. The bill was not signed until the following 20th of December, almost 2 weeks after the expiration date. I express no opinion here as to what happened as a result of that intervening time, but I have a very definite opinion.

That act expires at midnight tonight, and whatever right to prosecute was not lost at the time of the last extension or attempt to extend will expire, and that because the House conferees have agreed that instead of the right to prosecute expiring in 3 months, that right to prosecute shall be extended to 6 months.

As I have stated, if I could control the matter I would provide that the right to prosecute should not expire until 6 months after the termination of the war, just as has been provided with reference to frauds against the Federal Government.

The argument made that the agencies of the Government which should prosecute have been dilatory, if that be a fact, instead of supporting the position of a short period of time beyond which no agency of the Government could prosecute, should be convincing argument against this short time.

Mr. SHORT. Mr. Speaker, yesterday this House marched up the hill. Today we come rolling down the hill. By a vote of 305 to 35 we passed the House resolution just as I introduced it, which clearly showed that the Representatives of the American people in this body are for a speedy, open, frank, public, and just trial of any and all parties who might be connected in any way with the Pearl Harbor disaster; who might be found guilty of dereliction in the performance of their duty.

I am not going to capitulate without voicing my opposition to this conference report. I have been informed by one of the conferees that Admiral Gatch testified that the Navy could not get ready in 3 months to try these men. Well, they have had 2½ years to get ready.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. SHORT. Yes.

Mr. HANCOCK. I think the gentleman is referring to a statement I made. Admiral Gatch was reported to have said he had no information to act, to form a basis for a prosecution.

Mr. SHORT. That sounds incredible. The trouble is the former Secretary of the Navy flew to Pearl Harbor immediately after the disaster and conducted his own investigation, and later on the Roberts Commission went over and conducted an investigation. They came back and gave the American people an incomplete report. They withheld certain data and facts that have never been disclosed.

It is too bad the former Secretary of the Navy is not here to reveal the facts that he gathered in his personal investigation of that great catastrophe. Unless the trial is soon held, other important witnesses are likely to die or be killed.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. SHORT. Yes.

Mr. CHURCH. Would the gentleman from Missouri dignify the Roberts report by calling it a finding of facts in this situation?

Mr. SHORT. Of course, the Roberts report is very significant, not for what it said but for what it concealed and left unsaid. That is the importance of the Roberts report. Anyone who can read ordinary English cannot escape that impression when he carefully reads that report.

Now it is proposed to extend the time for another 6 months. The conference report tears the very heart out of section 2. It would authorize the Secretary of War and the Secretary of the Navy to begin an investigation at this late date. These high officials already have that authority and cannot justly escape that responsibility.

What a sad commentary it is when we reach the point where the Congress of the United States has to direct Cabinet officers to start an investigation, which it is their duty to do. Superficial investigations already have been made, but the American people have been told only a part of the findings. To me it is shameful—it is disgraceful—that these trials have not already been held and this matter settled, once and for all.

The proposed changes render the resolution we passed yesterday impotent and innocuous; and if this stalling continues as it has been going on, then I propose to introduce a resolution—perhaps not in this Congress, but I hope to be here in the next Congress—whereby the Congress itself will investigate this great catastrophe and dismal disaster.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SHORT. Yes.

Mr. RANKIN. This is not the first time the gentlemen on the other side of the aisle have reversed themselves. They wriggled the ball the other day on the F. E. P. C. They ran the wrong way and made a touchdown behind their own lines.

Mr. SHORT. I did not run. I voted with the gentleman from Mississippi.

Mr. RANKIN. I did not say the gentleman from Missouri had run.

Mr. SHORT. That is all right.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I yield.

Mr. COLE of New York. I am completely amazed at the announcement of the gentleman from New York quoting the Navy Department that it has no information on hand today upon which to institute a proceeding against any naval officer, and yet that same Navy Department has allowed a high-ranking naval officer to live under a cloud for nearly 2½ years.

Mr. SHORT. Yes; if the Navy is that incompetent and inefficient, we need a general house cleaning. If the Navy has been unable to get any information within 2½ years after the disaster, it will never be able to get it. It should not be too difficult to discover the facts in a matter where 3,000 men are killed and hundreds of millions of dollars in equipment are sent to the bottom of the ocean. The longer the trials are delayed, the more difficult it will be to arrive at the truth.

The SPEAKER. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Missouri [Mr. SHORT], whom we all love, says he is no lawyer. If he were a lawyer he would know that if we adopt a limit of 3 months beyond which prosecution cannot be initiated, then if the matter is stalled along for 3 months and nothing done, the guilty, if any, go scot free. There is not a bit of doubt about it. This is one of the strangest things I have ever seen done in my life. The very people who are professing interest in this prosecution want the smallest length of time in which the prosecution can be initiated by anybody or any agency of the Government.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. SHORT. I respectfully submit to the gentleman from Texas that that would not be the case.

Mr. SUMNERS of Texas. The gentleman from Missouri [Mr. SHORT] is wrong because I am stating the facts.

Mr. SHORT. No; may I say to the gentleman from Texas, the second provision simply directs the Secretary of War and the Secretary of the Navy to institute proceedings and when proceedings are once instituted, then automatically the statute of limitations is tolled.

Mr. SUMNERS of Texas. But suppose they do not act within 3 months? You are providing if they do not the guilty, if any, go scot free. We want to be fair with the Congress and we want the country to get the correct notion about this thing. I know we all want to do that. I want the country to know what the House conferees have done. What we did was to say that we do not want anybody to escape whose prosecution had not been initiated in a shorter time than 6 months. Instead of 3 months, I will tell you what we ought to have done. We ought to have provided that no offense of this sort committed against the Government would be barred by the statute of limitations in a shorter time than 6 months after hostilities ended. That is just plain, practical common sense. Then there would be no pressure of war, no inability to get the personnel to constitute a court martial. They are fighting now. Maybe the Congress would feel and maybe the War and the Navy Departments would feel they would want the Congress to conduct the investigation. The war would be over, no matter of military secrets would embarrass them. That is what I think about it.

Mr. SHORT. Mr. Speaker, will the gentleman yield at that point?

Mr. SUMNERS of Texas. Yes; I yield.

Mr. SHORT. The gentleman from Texas, who is a very able jurist, will recall that the original resolution which I introduced last December provided that they be tried within 1 year after the close of hostilities.

Mr. SUMNERS of Texas. That is right.

Mr. SHORT. But it met violent opposition in the Senate.

Mr. SUMNERS of Texas. Perhaps so; that is right.

Mr. SHORT. I was accused of trying to postpone, cover up, and protect someone, when I want any and all persons to be immediately brought to trial.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 1 more minute.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BARDEN. I take this time for the following reason: Some reference has been made to Admiral Gatch which might be construed to be uncomplimentary, and that would certainly be most unfortunate and regrettable. Rear Admiral Thomas L. Gatch has one of the finest records in the American Navy. He has recently returned from the South Pacific, where he was severely wounded while in command of a great ship, the *South Dakota*. He was awarded the Navy Cross twice for distinguished service in action and was also awarded the Purple Heart. I am sure the gentleman would not want to make any insinuating remarks about Admiral Gatch, who is still recovering from his wounds and while so doing is serving as Judge Advocate General of the United States Navy.

Mr. SHORT. Somebody made a wonderful mistake at Pearl Harbor.

Mr. BARDEN. Well it most certainly was not Admiral Gatch, and the words "Pearl Harbor" should not be used in connection with his name. He is not only a great American but a fine fighting officer of proven ability. And all America is proud of his record.

The SPEAKER. The time of the gentleman from Texas [Mr. SUMNERS] has again expired.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 89, noes 100.

Mr. SUMNERS of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 141, not voting 74, as follows:

[Roll No. 82]

YEAS—213

Allen, La.	Grant, Ala.	Murphy
Anderson, Calif.	Gregory	Murray, Tenn.
Andrews, Ala.	Gwynne	Myers
Andrews, N. Y.	Hagen	Norrell
Barden	Hancock	Norton
Bates, Ky.	Hare	O'Brien, Ill.
Beckworth	Harless, Ariz.	O'Brien, Mich.
Bell	Harris, Ark.	O'Toole
Blackney	Harris, Va.	Outland
Bland	Hart	Pace
Bloom	Hays	Patman
Boykin	Hébert	Patton
Bradley, Pa.	Heffernan	Peterson, Fla.
Brooks	Hendricks	Poage
Brown, Ga.	Hess	Poulson
Bryson	Hinshaw	Price
Bulwinkle	Hobbs	Priest
Burch, Va.	Hoch	Rabaut
Burchill, N. Y.	Hoeven	Ramspeck
Burgin	Holifield	Randolph
Byrne	Horan	Rankin
Camp	Izac	Reed, Ill.
Cannon, Fla.	Jackson	Richards
Cannon, Mo.	Jarman	Robertson
Celler	Johnson, Luther A.	Rolph
Clark	Johnson, Lyndon B.	Rowan
Cochran	Johnson, Okla.	Russell
Coffee	Jonkman	Sabath
Cole, N. Y.	Judd	Sadowski
Colmer	Kean	Sasscer
Cooley	Kee	Satterfield
Cooper	Kefauver	Sauthoff
Costello	Kelley	Scanlon
Courtney	Kerr	Sikes
Cravens	Kilburn	Simpson, Ill.
Crawford	Kilday	Slaughter
Crosser	King	Smith, Maine
Cunningham	Kirwan	Smith, Va.
Curley	Kleberg	Snyder
Curtis	Lane	Sparkman
D'Alesandro	Lanham	Spence
Davis	Larcade	Sullivan
Delaney	Lea	Sumner, Ill.
Dewey	LeFevre	Sumners, Tex.
Dickstein	Lesinski	Taber
Dilweg	Ludlow	Tarver
Dingell	Lynch	Taylor
Disney	McCormack	Thomas, Tex.
Doughton	McGehee	Thomason
Drewry	McKenzie	Tolan
Durham	McMillan	Torrens
Eberharter	Madden	Vincent, Ky.
Ellison, Md.	Mahon	Vinson, Ga.
Engel, Mich.	Maloney	Voorhis, Calif.
Engle, Calif.	Manasco	Vursell
Fay	Mansfield, Mont.	Wadsworth
Feighan	Mansfield, Tex.	Walter
Fisher	Marcantonio	Ward
Fitzpatrick	Mason	Wasielewski
Flannagan	May	Weaver
Folger	Merritt	Weiss
Ford	Michener	Welch
Fulmer	Miller, Conn.	Wene
Furlong	Miller, Nebr.	West
Gale	Mills	Whittington
Gamble	Monroney	Wickersham
Gathings	Morrison, La.	Winstead
Gifford	Mott	Wolverton, N. J.
Gordon	Mruk	Woodrum, Va.
Gore	Murdock	Worley
Gorski	Murphy	Wright
Gossett	Murray, Tenn.	Zimmerman

NAYS—141

Allen, Ill.	Gillette	Monkiewicz
Andersen, H. Carl	Gillie	Mundt
Andresen, August H.	Goodwin	Murray, Wis.
Angell	Graham	Norman
Arends	Grant, Ind.	O'Brien, N. Y.
Arnold	Gross	O'Hara
Auchincloss	Hale	O'Konski
Baldwin, N. Y.	Hall, Edwin Arthur	Phillips
Barrett	Hall, Leonard W.	Pittenger
Bates, Mass.	Halleck	Ploeser
Beall	Harness, Ind.	Powers
Bender	Hartley	Pracht, C. Frederick
Bennett, Mo.	Herter	Pratt, Joseph H.
Bishop	Hill	Ramey
Bradley, Mich.	Hoffman	Reece, Tenn.
Brehm	Holmes, Mass.	Reed, N. Y.
Brown, Ohio	Holmes, Wash.	Rees, Kans.
Brumbaugh	Hope	Rizley
Buffett	Howell	Robsion, Ky.
Busbey	Hull	Rockwell
Butler	Jeffrey	Rodgers, Pa.
Canfield	Jenkins	Rogers, Mass.
Carlson, Kans.	Jennings	Rohrbough
Carson, Ohio	Jensen	Rowe
Carter	Johnson, Anton J.	Schiffler
Case	Johnson, Calvin D.	Schwabe
Chenoweth	Johnson, Ind.	Scott
Chiperfield	Johnson, J. Leroy	Scrivner
Church	Kearney	Shafer
Clason	Keefe	Short
Clevenger	Kinzer	Smith, Ohio
Cole, Mo.	Knutson	Springer
Compton	Kunkel	Stefan
Day	Lambertson	Stockman
Dirksen	LeCompte	Sundstrom
Dondero	Lemke	Talbot
Dworshak	Luce	Talle
Elliott	McConnell	Thomas, N. J.
Ellis	McCowen	Tibbott
Ellsworth	McGregor	Towe
Elmer	McLean	Troutman
Elston, Ohio	McWilliams	Vorys, Ohio
Fenton	Maas	Wigglesworth
Fish	Martin, Mass.	Wilson
Gavin	Miller, Pa.	Winter
Gearhart	Mundt	Wolcott
Gerlach	Murray, Wis.	Wolfenden, Pa.
Gillespie	Norman	Woodruff, Mich.

NOT VOTING—74

Abernethy	Gallagher	O'Neal
Anderson, N. Mex.	Gibson	Peterson, Ga.
Baldwin, Md.	Gilchrist	Pfeifer
Barry	Granger	Philbin
Bennett, Mich.	Green	Plumley
Bolton	Griffiths	Rivers
Bonner	Heidinger	Robinson, Utah
Boren	Johnson, Ward	Sheppard
Buckley	Jones	Sheridan
Burdick	Kennedy	Simpson, Pa.
Capozzoli	Keogh	Smith, W. Va.
Carrier	Klein	Smith, Wis.
Chapman	LaFollette	Somers, N. Y.
Cox	Landis	Stanley
Dawson	Lewis	Starnes, Ala.
Dies	McCord	Stearns, N. H.
Douglas	McMurray	Stevenson
Eaton	Magnuson	Stewart
Fellows	Martin, Iowa	Stigler
Fernandez	Merrow	Treadway
Fogarty	Miller, Mo.	Weichel, Ohio
Forand	Morrison, N. C.	Whelchel, Ga.
Fulbright	Murdock	White
Fuller	Newsome	Whitten
	O'Connor	Willey

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Abernethy for, with Mr. Martin of Iowa against.

Mr. Keogh for, with Mr. Miller of Missouri against.

Mr. Whitten for, with Mr. Fuller against.

Mr. Capozzoli for, with Mr. Simpson of Pennsylvania against.

Mr. Magnuson for, with Mr. Douglas against.

Mr. Kennedy for, with Mr. Willey against.

Mr. Peterson of Georgia for, with Mr. Gallagher against.

Mr. Somers of New York for, with Mr. Ward Johnson against.

Mr. Pfeifer for, with Mr. Lewis against.

Mr. Buckley for, with Mr. Jones against.
Mr. Sheppard for, with Mr. Weichel of Ohio against.
Mr. Pheifer for, with Mr. Lewis against.
Mr Forand for, with Mr. Smith of Wisconsin against.
Mr. Barry for, with Mr. Treadway against.
Mr. Klein for, with Mr. Stevenson against.
Mr. Fogarty for, with Mr. Heidinger against.

General pairs:

Mr. Stigler with Mr. Plumley.
Mr. McCord with Mr. Eaton.
Mr. McMurray with Mrs. Bolton.
Mr. Baldwin of Maryland with Mr. Carrier.
Mr. Chapman with Mr. Bennett of Michigan.
Mr. Fulbright with Miss Stanley.
Mr. O'Neal with Mr. Fellows.
Mr. Robinson of Utah with Mr. LaFollette.
Mr. Sheridan with Mr. Stearns of New Hampshire.
Mr. Newsome with Mr. Griffiths.
Mr. Cox with Mr. Merrow.
Mr Bonner with Mr. Gilchrist.
Mr. O'Connor with Mr. Burdick.

Mr. GATHINGS and Mr. DEWEY changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by my colleague the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF EMERGENCY PRICE CONTROL ACT OF 1942

Mr. SPENCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4941) to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, from June 30, 1944, to June 30, 1945, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4947, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. SPENCE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I am glad the House has sustained the practices and precedents that have been proven by time and experience to be wise, and that this bill will be considered under the fair and open rule which the committee requested.

I think we all realize how important effective price control is at this time in our national emergency. Whatever complaints we have heard—and many of them have been just—I think the administration of that law has been most effective as compared with the conditions that existed in the last World War. The benefits to the people and the Nation by reason of the act have been immeasurable. For 40 days the Committee on Banking and Currency held hearings. Everybody who had a complaint, everybody that represented any considerable number of people or any organization that comprised a considerable membership, was invited to come before that committee and voice their complaints. There was no abridgment of the right of the freedom of speech, and they exercised their constitutional right to peaceably assemble and petition the Government for redress of grievances. But the outstanding thing that appealed in all the complaints was that every one of them could have been remedied by administrative action. There is no complaint about the law that has been passed by this Congress.

The Committee on Banking and Currency considered this measure three times. They passed the original Price Control Act and the Stabilization Act in 1942. They had lengthy hearings on both bills and we then passed this act. These acts have been tested in the courts of the country, and in every instance they have been upheld as constitutional. I know men are jealous of their constitutional rights; that they shall not be denied equal rights under the law; that their property shall not be taken from them without due process of law. These are the rights that they should zealously assert, but in these times it is not only their rights which are in jeopardy but the Constitution itself, and when the interest of the state conflicts with the interest of individuals, they must give way to the interest of the state, the supreme law.

Many of these people have had complaints that were just, but they were complaints incident to the enforcement of the law that was necessary in these emergent times, and I think when we consider this bill we must consider it in the light of this great national emergency and national peril that exists at the present time.

I say, too, that if you do not treat all the people who come under price control with equal justice you will weaken this law. There is a move on now, I know, for special privilege. If they attain their ends they will be in the position of the dog in Aesop's fable who, going across the bridge with a bone in his mouth, saw the magnified shadow in the waters beneath and jumped for the shadow and lost the substance. That is what is going to happen unless you treat this act with the consideration it deserves. If you are going to act upon the complaints or desires of every individual who wants relief, it is obvious to me, as it must be to you, that you will have no act at all, because it is obvious that the President would veto such an act, and I think it would be his duty under the law to do so. The greatest strength of this act is that everybody similarly situated can be treated substantially the same.

The act as originally passed was upheld by the court. Litigants came before the court and contended that they had a right to bring their suits in the courts of the States and in the Federal courts, as they had previously done. The Supreme Court of the United States upheld the jurisdiction of the Emergency Court of Appeals and said the act could not be successfully administered if construed and enforced by the 85 district courts and the 11 appellate district courts, and that it was necessary in order for uniformity of decisions and to have uniform operation of this law that there should be one court which should decide all of these questions.

Heretofore a regulation or an order formulated and adopted by the O. P. A. became incontestable if it was not contested after 60 days. Of course, that is not in accordance with the ordinary practices that prevail in usual and customary times. But we have liberalized that. We have said that one aggrieved may contest the order at any time. We have said that if one desires to contest an order—and it can only be contested in the Emergency Court of Appeals, as to allow it to be contested in the various courts would find divergent and various decisions in many of the districts of the United States—we have said that when the Administrator brings a suit against an individual for compliance with an order or a regulation, and the defendant has brought proceedings to test the legality of that order before the Administrator, or desires in good faith to contest that order, the district court will grant a stay at any time during the pendency of the case and within 5 days after judgment, in order to allow him to contest the legality of the order under which the proceedings are instituted. If the Emergency Court of Appeals finds that the order is legal, it certifies it to the district court, and the district court is bound by the order. If the order of the court is against the legality of the regulation, the defendant will be dismissed.

This liberalizes the procedure very greatly and will give to many the relief they could not have had before. It liberalizes the law that the court said was a constitutional delegation of authority.

It has been attempted to raise the question that the powers delegated to the Administrator were legislative in character, hence could not be sustained, but the courts have drawn a distinction between the N. I. R. A. and these decisions. They have said that these delegations were not legislative, they were administrative. If the Congress delegates to a commission the powers it has, without limitation or without definition, they are legislative. I regret the Congress many times has done this. But if we delegate powers that are defined and restricted, even though the compass in which they may operate is large and the discretion

given may be great, they are not legislative powers but administrative powers. Those are the powers we granted to the administrator and we have directed him to use those powers. If he does not use them in accordance with our wishes, it is very difficult to correct them by legislation. The powers that we delegate are essentially administrative. If you were to attempt to remedy by legislation all the complaints that have been made, you would have an act that was unwieldy and could not be construed or enforced by the courts; yet everyone who has suffered at all by reason of the operation of the O. P. A. thinks he ought to have an act to remedy his particular complaint.

I think the present Administrator has had rather a bad heritage, and I am not criticizing his predecessor.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Is there any appeal either by the O. P. A. or by the citizen from any action taken by the Emergency Court of Appeals?

Mr. SPENCE. Absolutely. Any decision of the Emergency Court of Appeals may be reviewed by the Supreme Court of the United States by certiorari. One can go directly from the Emergency Court of Appeals to the Supreme Court of the United States for a writ of certiorari. That is either granted or denied by the Supreme Court. That is the manner in which most of the decisions of the lower Federal courts are reviewed now.

Mr. ROBSION of Kentucky. What must appear before there can be an appeal from the Emergency Court of Appeals to the Supreme Court?

Mr. SPENCE. They have a right to review any decision affecting the validity of an order or regulation, by certiorari.

Mr. ROBSION of Kentucky. But it does not go to passing on questions of fact?

Mr. SPENCE. No, it does not go to questions of fact. There is no question of facts involved. It is only a question of whether it is legal or illegal, and the Supreme Court passes upon that question.

We have also liberalized the rent provisions. While there is a base period for the exercise of all the powers, and there must be, they must be regulated by general order because it would be absolutely impossible to make specific findings in each case. For instance, in connection with rent control, with eight or nine million houses involved, these general orders operate like the general law. The law, being rigid and universal in its application, cannot render justice in all cases. That is the reason equity is established, to supply that wherein the law by reason of its universality is deficient.

That is the reason we have given the Administrator here the opportunity to correct gross inequities or inequalities. I do not know what more you could do to make this law effective except to give every man who has a complaint and every interest that wants some special privilege an amendment to remedy his complaint. We have also authorized the appointment of committees of the Committee on Banking and Currency of the House and committees of the Committee on Banking and Currency of the Senate to investigate the proceedings of the O. P. A. to ascertain whether or not they are effective and whether or not they have operated according to law. Both of these committees, which will operate separately, have the right to subpena persons and to bring before them papers and documents; and to report. I think this constant supervision of the House and Senate over these administrative agencies will have a fine effect. I think if we all could have somebody to whom we can go and state the complaints of our constituents and know that they are being considered, it will make us all feel more comfortable and more satisfied with the administration of this greatly necessary agency.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield at this point?

Mr. SPENCE. I always yield to my good friend the gentleman from Pennsylvania.

Mr. WRIGHT. I wish to congratulate the gentleman from Kentucky, the chairman of the committee, and also the committee, for introducing this innovation. It strikes me it is impossible for Congress to administer the O. P. A. It is not geared or equipped to do it. It is not staffed to do it. The only way Congress can really exercise its legislative function in connection with such a vast program as the O. P. A. is to review it afterward. If there are some complaints as to the way O. P. A. or any other function of government is being administered, and to have the legislative committee in charge of it hear the complaints, talk it over with the Administrator, and suggest legislative changes or changes in the regulations. I think it is the greatest step forward in asserting or reasserting the prerogatives of Congress.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield in that connection?

Mr. SPENCE. I yield.

Mr. WHITTINGTON. In connection with the price control of textiles there are many complaints that the low-grade articles such as denim and overalls are not available. While we understand, of course, that the Army and Navy come first, what can we say to our constituents who complain about the desperate need of more civilian goods of the types to which I refer?

Mr. SPENCE. I do not think that problem can be met by a hard-and-fast law which would be a mandate to them as to what they should do in that matter. That is an administrative matter. I have heard that complaint. It may be true. But I do not think you can remedy that by making any subsidies to textile manufacturers. That is an administrative matter and ought to be taken care of and can be taken care of by the War Production Board and the O. P. A.

Mr. WHITTINGTON. They are authorized to take care of it under existing law, and under this law as it has been reported by the Committee on Banking and Currency?

Mr. SPENCE. I think they are. I think that the War Production Board can compel the production of whatever may be necessary for our war effort. We also have in this bill a provision that labor disputes between the railroads and their employees shall be administered under the Railroad Labor Act and the agencies set up therein. For almost 20 years this machinery has been set up. It has worked admirably. We have felt that those who regulate railroad wages ought to have some knowledge of railroad rates, that they are so inseparably connected that it would be impossible for a board not having knowledge of the railroad structure, the railroad capital structure, of rates and all the other incidents of the industry, to regulate wages of railroad labor.

The past experience and the accomplishments of that Board we thought justified continuing its functions during this emergency in this respect. However, it must make its orders in conformity with the policy set up for the control of inflation. I personally believe this is a provision that will make for industrial peace. I believe the settlement of these questions ought to be under the Railroad Labor Act. The Senate has such a provision.

As to prices and wages and rents, there is a base period. We have not changed that. We have said in each instance that where factors justify it with reference to rents and prices that changes may be made to do justice between the parties. I think that is about all we can do. I believe there has been no legislation presented to this Congress, except that legislation which appropriated money for our national defense, which is half as important as this legislation. I hope nothing will be done to weaken it. Those who are seeking special privileges would be destroyed by their own act if they weaken this act. It is essential for every man and woman in America that we control the prices of our goods, the rents of our properties, and the wages of our labor. In the last war we saw the inflation, and after the war the deflation destroy hundreds of thousands of people, make their property worthless, and leave them poverty stricken. After inflation, deflation is just as sure to come as the night follows day. I hope nobody will do anything that might bring about such conditions again. I hope you will consider the amendments that may be proposed carefully. I know how earnestly you want to help your constituents. I know how appealing it is when your constituent comes to you and says, "I have been subject to imposition." I know how you want to help him, but I hope that before you go far to help him you will consider the effect it will have on the general good and common interest of our country. The boys over there today are holding the line amidst shot and shell on those bloody battlefields. God bless them and protect them. May we hold the line against the insidious forces that are always here which might destroy us at home. When they come back may they have every right and every privilege that we have had. I believe in the Constitution of the United States and in our form of government.

I do not believe there is any government that has ever been devised by man that has half its virtues. As Gladstone said, our Constitution is the greatest instrument ever struck off at a given time by the brain and purpose of man.

I believe in that Constitution and in our Government. But in times like these let us forego some of the rights under that Constitution in order that we may all benefit.

In that spirit I hope they will administer the law that we pass, and that complaints can be brought to the Administration and can be remedied. But I hope they will do nothing to weaken a law that every court in the land has stated is constitutional. The great Chief Justice of the United States, Justice Stone, rendered a decision not long ago. He described the chaos that would result if men could bring their suits in every court in the United States and in every State court, and take appeals to the 11 circuits.

Mr. HOFFMAN. Will the gentleman yield?

Mr. SPENCE. I yield.

Mr. HOFFMAN. What provision is there in the present bill to take care of such a situation as this: Jenkins Bros., Inc., of Bridgeport, Conn., had their prices frozen as of October 1941. They were making steel valves and mechanical rubber goods. On February 9 of this year the War Labor Board ordered retroactive payment, or payment of back wages, amounting to some $700,000. What can a company do in that kind of a situation?

Mr. SPENCE. The Price Administrator did not freeze the labor. That was the War Labor Board.

Mr. HOFFMAN. The O. P. A. froze the price. They fixed the price on the finished product. Then, 3 years later, another branch of the Government orders an increase in wages.

Mr. SPENCE. How are we going to remedy that in the law?

Mr. HOFFMAN. I can make a suggestion. The amendments offered by the gentleman from Virginia [Mr. SMITH] combined the Stabilization Act and this O. P. A. Act, so that that thing could not be done. It put it under one Administrator.

Mr. SPENCE. Well, we did not consider that.

Mr. HOFFMAN. That is the trouble.

Mr. SPENCE. If it is considered, it should be considered in a separate act, and it should not be put in here by the Rules Committee after 1 hour deliberation when we devoted 40 days of hearings to this bill, and then spent 3 or 4 days in executive sessions.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SPENCE] has again expired.

Mr. SPENCE. Mr. Chairman, I yield myself 1 additional minute.

Mr. HOFFMAN. I am not talking about the action of the Rules Committee when, or in what manner, or how the thing could be remedied, except I am pointing out that the O. P. A. fixed the price for the finished product, and the War Labor Board fixed the wages, and it is impossible for the company to manufacture at that price. What should the Congress do about it?

Mr. SPENCE. Well, I do not know. I cannot tell you what the Congress can do about it. That is a question involving the War Labor Board, and is not under consideration here, and has no place in this discussion which should be confined to the bill.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SPENCE] has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 20 minutes.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HOFFMAN. The gentleman heard the question I asked the gentleman from Kentucky [Mr. SPENCE]. What would be the gentleman's answer as to how we can remedy that kind of situation? Not with reference to that particular company, but with reference to all companies who are in like situations.

Mr. WOLCOTT. You might take the power away from the War Labor Board to pass on wage increases and give it to the Office of the Price Administration, but it would result in a rather chaotic situation.

Mr. HOFFMAN. Well, it would put the two functions under the same board. That is what the Smith committee tried to do by section 508.

Mr. WOLCOTT. It is already under one board now. The Congress stabilized wages on a certain basis. We said that wages should not be lower than the highest wage paid between January 1 and September 15, 1942. Then we said the President might provide for making corrections of gross inequities. So by directive he gave the War Labor Board authority to hear complaints and make adjustments. The War Labor Board is given authority to make those adjustments, but they cannot make any adjustment below the highest wage paid between January 1 and September 15, 1942, under the law passed by Congress. The Price Administrator has nothing to do with the stabilization of wages. It is done by the War Labor Board in respect to wages, and it is done by the Treasury Department, as I understand, with respect to salaries.

Mr. HOFFMAN. That is the situation we tried to remedy by adding section 508, found on page 30 of that report, 1366.

Mr. WOLCOTT. You would not have remedied it. The Office of Price Administration operates under the President the same as the War Labor Board. It does not make any difference whether you give them authority to stabilize or the War Labor Board the power to stabilize. They are both a part of the executive branch of the Government.

Mr. HOFFMAN. But one acts to fix prices and the other acts to increase wages.

Mr. WOLCOTT. We have already acted to fix wages. We have said that they shall not be below a certain standard. It would not make any difference whether the Price Administrator has the administration of stabilization of wages or the War Labor Board. It would be done in the same way, under standards set up by the Congress. If you want to change the standards set up by Congress, you can do it by amending this bill. You do not have to direct the War Labor Board to do something with respect to labor disputes in order to do it.

Mr. Chairman, I will yield myself 5 additional minutes.

I believe everybody is cognizant of the necessity for price control. I do not care to contribute to the exaggerated statements which are made with respect to price control and its effect upon inflation. When anybody says we have saved $65,000,000,000 by controlling prices, they might just as well guess that we have saved $165,000,000,000, or that we only saved $30,000,000,000. So you can guess whatever amount you please in that respect. However, the fact does remain that by controlling prices the Government has prevented unusual increases in prices, and thereby prevented the inflation spiral from getting started in many respects. In other words, if we did not have price control we would probably have high prices. Then, of course, we get down to the problem as to whether the high prices cause inflation, or whether high prices reflect inflation. But it does not make any difference which comes first. I think everybody agrees that price control, under these conditions, where there is ever so much more purchasing power in relation to the availability of consumer goods than there ever has been before in the history of the Nation, is necessary.

Nobody has been more denunciatory of the administration of the Price Control Acts than I. Nobody has denounced any more than I the use of the powers which we have given to the Administrator to control prices in the control of business and industry. There have been some most flagrant violations on the part of O. P. A. in that respect. O. P. A. has on several occasions set up its machinery in such manner that the clear intent of the Congress was violated and the machinery set up by the Congress for the orderly enforcement of price controls could be circumvented. The question now is: What can we do or what should we do to preserve the controls over prices and make it impossible for the Administrator or anyone in the O. P. A. to use these powers to control business, agriculture, industry, and labor? That is our problem. I do not know of any situation any more delicate than this question of price control and the administration of the Price Control Act. We were weighing these questions on pretty sensitive scales. A little more emotion on one side than on the other would throw the whole situation out of balance.

When this matter of continuing the Price Control Act was presented to the House Committee on Banking and Currency feeling was running very high. We were told by pressure groups, and the attitude of those pressure groups was reflected in members of the committee, that there should be no amendments to the Price Control Act, none whatsoever. I remember very distinctly one day when Justice Marvin Jones was before the committee and suggested that he would like to have certain powers that were

noncontroversial—they had been agreed upon in the Commodity Credit Corporation Act which the President vetoed for other reasons; there was no reason whatsoever that we should not give Judge Jones the authority he should have in that respect—but just to feel out the committee—we had been going about 2 or 3 weeks then—I suggested that we might amend this bill in that respect. I was not exactly denounced for my suggestion, but I was given to understand in no uncertain terms that there would be no amendments to that bill no matter how fine they were and no matter how uncontroversial they were. So you can see what we had to deal with. It was a very delicate situation.

For a good many days, from the middle of April on, we held hearings, both morning and afternoon. We have 2,300 pages of hearings. So do not let anybody tell you that the Committee on Banking and Currency did not consider price control in all phases. When the first price-control bill was before the committee in 1941 we had only 2,200 pages; so we set a new record, 2,300 pages of hearings on the continuing act.

Many of us were not satisfied with the act when it was originally set up; we were not perhaps any more satisfied with it when it was presented to the Committee on Banking and Currency on this occasion. We did what we thought was the best thing to do under the circumstances. First, we had to decide whether we were going to have price control, and I do not think there is any question about that. Then we had to decide when each of these amendments was considered whether or not the amendment if adopted would make price control less effective. We were interested in whether in the application of these suggestions we would contribute to the emasculation of the Price Control Act. We gave consideration to 200 or 250 amendments, individually and collectively; and we attempted to safeguard all authority and power essential to control prices and to clarify the clear intent of Congress that this act should not operate in any manner to create a hardship inconsistent with its purposes.

I believe probably 80 percent of the complaints against the administration of the Price Control Act will have been eliminated if the aggrieved person is given an opportunity to review his grievances in a regularly constituted court; and that is what we have done. Notwithstanding anything to the contrary, we have made it possible for any aggrieved person at any time to file a protest and have his grievances reviewed whether he is aggrieved by an invalid order or any action of the Price Administrator which is arbitrary or capricious. Review in a regularly constituted court may be had by filing a protest, having that protest heard before a board in O. P. A.; and if there is any question in anybody's mind as to whether that board may meet anywhere in the United States we can clarify that. There was not any question in our minds at the time we adopted the amendment. Inasmuch as O. P. A. can function anywhere in the United States, any board created by O. P. A. may do likewise; but if there is any question about it we can by very simple amendment provide that this board may sit anywhere in the United States. Then if the aggrieved person is not satisfied with the decision of this board, if the Administrator does not follow the recommendations of the board, then the matter can be reviewed in a regularly constituted court which is called the Emergency Court of Appeals.

There are many people who believe the Emergency Court of Appeals is a part of the O. P. A. It is as separate and apart from the O. P. A. as any district court, as any circuit court of appeals, or the Supreme Court itself, is independent of O. P. A. The judges of the Emergency Court of Appeals are appointed by the Chief Justice of the United States Supreme Court. At the present time there are three members—two circuit judges and one district judge. To anyone who wants to go into the matter fully as to what they consider their jurisdiction and how they have operated I commend for consideration the testimony of the Chief Justice, who appeared before the committee.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I understand this Emergency Court of Appeals is made up of three members; is that right?

Mr. WOLCOTT. Yes; but it is not limited to three members under the act. They can appoint as many other members as may be necessary to do the job.

Mr. ROBSION of Kentucky. And they are the duly appointed and acting members of the Federal courts?

Mr. WOLCOTT. They are on detached service.

Mr. ROBSION of Kentucky. The Emergency Court of Appeals is made up of two circuit judges and one district judge?

Mr. WOLCOTT. That is right.

Mr. ROBSION of Kentucky. That is the highest court to which any of these matters may be taken?

Mr. WOLCOTT. Excepting the Supreme Court of the United States.

Mr. ROBSION of Kentucky. They can appeal directly from it to the Supreme Court?

Mr. WOLCOTT. Yes.

Mr. RUSSELL. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Texas.

Mr. RUSSELL. Where will this court sit? Where will they hear and determine the actions brought before them?

Mr. WOLCOTT. Let me cover that very briefly.

Mr. J. LEROY JOHNSON. Will the gentleman yield for a question?

Mr. WOLCOTT. I yield to the gentleman from California.

Mr. J. LEROY JOHNSON. Assuming that they appointed 21 more judges than the 3 they have, will any 3 of those voting on a matter be a decision of that court?

Mr. WOLCOTT. A majority decision would control. I assume it would be the same as any circuit court of appeals, Supreme Court or any other court. Now, the gentleman from Texas asked where they sit?

Mr. RUSSELL. Yes. Let me make this statement. I live around 2,000 miles from Washington. Our people are little businessmen who are not able to come to Washington to engage in a court trial here or bring their evidence and their records here. They are not financially able to do that. That is the reason I asked the question where they sit.

Mr. WOLCOTT. We have helped that situation very materially. First, let me cover the situation which would develop if we did not have the Emergency Court of Appeals. Your constituent would go into a court and if that court held with the Administrator against your constituent, then your constituent could only go from that court, if it were a United States district court, in the circuit court of appeals, perhaps far removed from that district court. Then from there it would go to the United States Supreme Court, if it were a question that could be reviewed by the Supreme Court.

Under the procedure which we have established, the aggrieved person may either initiate the matter himself by filing a protest or, if he is indicted on the criminal side of the court for a violation of the O. P. A. regulations or orders, or if the Administrator seeks an injunction against him restraining violation of orders or if an action is brought for the purpose of rescinding his license, the aggrieved may make application for a stay of proceedings for the purpose of having the validity of the regulation or order determined in the Emergency Court of Appeals. In that case if the defendant has used good faith the court will grant the stay pending determination of this question in the Emergency Court of Appeals.

Instead of this question having to be reviewed in a circuit court of appeals and putting the defendant to the expense and the inconvenience of going miles away from his home or his district court to the circuit court of appeals, the Emergency Court of Appeals comes to him. They may sit anywhere in the United States and have been sitting everywhere in the United States. If they get so many cases that the present three members cannot take care of them, then the court can be enlarged. The court can go anywhere in the United States. Do not lose sight of the fact that by setting up the Emergency Court of Appeals and giving it authority to meet anywhere in the United States, you might save your client or your constituent the expense of having to go to places far removed to appear in the circuit courts of appeals.

Mr. RUSSELL. The circuit court of appeals, the gentleman well knows, passes on the record made in the district court in the district where the offense or action occurs.

Mr. WOLCOTT. Therefore, there is another advantage.

Mr. RUSSELL. The district court hears the witnesses and hears the evidence and if it has to go up the defendant does not have to go to the circuit court of appeals. The matter goes up on the record that is made in the court below.

Mr. WOLCOTT. I am glad the gentleman brought that up because the Emergency Court of Appeals is not confined to the record. It can get its information wherever it may be possible to get it. It can ask for further information. It is not confined to the record. Any party may petition the Emergency Court of Appeals for the right to submit additional facts.

Mr. RUSSELL. That is what we are objecting to. We want a trial under the law of the land where evidence is admissible and is admitted under the general rules of evidence.

Mr. WOLCOTT. You get that, but you do not get your trial before disposition of the legal question and it is always a legal question as to the validity of the regulation or order, or whether the Administrator acted capriciously or arbitrarily. If you claim that he acted capriciously or arbitrarily and the Emergency Court of Appeals has not evidence enough before it to determine that question, it may remand the question back to the O. P. A., or back to the original court. It can take testimony for itself, it can ask for additional testimony and you get that much more protection. As a matter of fact, as I view it, it seems to me that by setting up this Emergency Court of Appeals we have given the aggrieved person much more latitude in the presentation of the matter than in the circuit court of appeals.

Mr. WRIGHT. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Pennsylvania.

Mr. WRIGHT. I think the matter just outlined by the gentleman is very constructive and, may I say, I am glad the Banking and Currency Committee has gotten along so much better since I left it. The gentleman spoke about the licensing provisions. I understand those hearings under licensing provisions are under the War Powers Act?

Mr. WOLCOTT. No, not for the violations of the price schedules.

Mr. WRIGHT. The hearings are held by the O. P. A., are they not?

Mr. WOLCOTT. No, not for violation of a regulation, or order, or price schedule issued under the Price Control Act.

Mr. WRIGHT. When they take away your license to deal in scarce or rationed commodities, are there not hearings?

Mr. WOLCOTT. The gentleman is talking about the rationing side of O. P. A.

Mr. WRIGHT. That is what I am talking about.

Mr. WOLCOTT. I am not. We have not any jurisdiction over that in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 10 additional minutes.

Mr. WRIGHT. Have there been any provisions as to judicial review and with reference to the hearings of which I speak, where the O. P. A. hearing board or commission has either taken away a person's license or suspended it for a certain length of time because of violation of orders?

Mr. WOLCOTT. Yes; there has been. As I said at the beginning, there were several reprehensible practices in O. P. A. that we will have to correct, and this is one of them. I think I know what the gentleman is getting at.

Mr. WRIGHT. I wish the gentleman would explain it.

Mr. WOLCOTT. Let me review the situation. The Emergency Price Control Act provides the method by which a license may be suspended. It provides that the Administrator shall first give a warning to the defendant. After this warning has been sent to him—and it must be sent to him by registered mail—then it says:

> If the Administrator has reason to believe that such person has again violated any of the provisions of such license, regulation, order, price schedule, or requirement after receipt of such warning notice, the Administrator may petition any State or Territorial court of competent jurisdiction, or a district court subject to the limitations hereinafter provided, for an order suspending the license of such person for any period of not more than 12 months.

We have put into this act a very definitive safeguard.

Mr. WRIGHT. It is a change then, is it not?

Mr. WOLCOTT. No. That is the act that you and I perhaps worked on in 1941 and which is now the law.

We provide definite machinery for the suspension of license predicated upon a violation of a regulation or order or price schedule of the Office of Price Administration. Bear in mind that the O. P. A. has two separate functions, just as distinct as the function of a court when you file your complaint some times on the equity side and then again on the law side. The line is drawn even more clearly between the jurisdiction of O. P. A. over rationing and the jurisdiction of O. P. A. over prices, so that two should never be confused. The authority to regulate rationing, as I understand, comes down from the War Powers Act, the second, I believe, and the President may, by directive, set up the agency to control rationing. He has designated the O. P. A. to regulate rationing, and he has said in there that the O. P. A. can license persons, concerns, and so forth, to deal in rationed commodities.

The Congress has said that the O. P. A. can grant licenses to persons and concerns to sell commodities on which a maximum price has been placed. The reprehensible practice which I think the gentleman has in mind is this, that the O. P. A. has made as a condition of the rationing license, that the licensed person shall conform to all of the price control regulations.

Mr. WRIGHT. That is exactly what I am driving at.

Mr. WOLCOTT. I might say that on the rationing side O. P. A. does not have to go into court to take away a license to deal in rationed commodities, and they may suspend a license for any time up to the end of the war.

Mr. WRIGHT. And there is no right of appeal?

Mr. WOLCOTT. There is no right of appeal; there is no nothing, even no justice in that practice, as I see it.

Mr. WRIGHT. That is what I am objecting to.

Mr. WOLCOTT. If a person violates a price schedule, and it so happens that the price schedule has to do with a rationed commodity, then it is a violation of his rationing license, and they circumvent the safeguards which we have written into this law by taking the rationing license away from him for a violation of the price schedule without first petitioning a court for a revocation of the license as provided for in the Price Control Act. It is a very important subject and the practice is quite far-reaching. The problem is one that has to be thought out very carefully. There will be language thought out and offered to the committee before we get through with this bill to correct that abuse of power. It is a flagrant abuse of legislative power. They have arrogated to themselves powers which we contend they have not and were never given, and even if they did have, they should not use the powers to clearly violate the intention of the Congress and destroy the safeguards which Congress has set up for the protection of violators.

Mr. RIZLEY. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Oklahoma.

Mr. RIZLEY. I wonder if the gentleman would be so kind as to straighten me out on a matter. Assume that the gentleman and I are in competitive business in the same town, and I am anxious to get the gentleman out of business, and I present charges to the O. P. A. officials that the gentleman has violated the ceiling price. The O. P. A., based on my statement, files a charge against him for that. Do they have to go into court to do anything to close up the gentleman's place of business under this bill?

Mr. WOLCOTT. Yes. First they give you a warning, and if you do not obey the warning, under the provisions of the price-control bill they must then make application to a court for suspension of your license.

Mr. RIZLEY. The gentleman says they give you a warning. Let us say that I file a complaint against the gentleman. The gentleman has not been guilty of any violation but they have taken my word for it. They give the gentleman a warning. The gentleman does not change his practice, because he has done no wrong. Then their next step is to file a complaint against him in a local court?

Mr. WOLCOTT. They must.

Mr. SUMNERS of Texas. If the gentleman will permit an interruption, I believe the inquiry is this: If they filed complaint in the local court, what jurisdiction does the local court assume, and what does it do?

Mr. RIZLEY. When complaint is filed by the O. P. A. against the gentleman in the local court, what does the local court determine?

Mr. SUMNERS of Texas. Yes; what is the procedure?

Mr. WOLCOTT. If the court finds that such person has violated any of the provisions of such license, and so forth——

Mr. RIZLEY. If the gentleman will pardon me, I am talking about the ceiling price; not any license he may have.

Mr. WOLCOTT. It is a license to do business. The license could not be rescinded unless the licensee had violated a regulation or order.

Mr. RIZLEY. Tell me what the local court would do.

Mr. WOLCOTT. The local court has to find that there is a violation of such license, regulation, order, price schedule, or requirement after the receipt of the warning.

Mr. RIZLEY. Suppose the local court does find that, and you are still not satisfied, then what can you do?

Mr. WOLCOTT. You can appeal. Does the gentleman mean on a question of fact or law?

Mr. RIZLEY. On either or both.

Mr. WOLCOTT. If the decision of the local court under existing law turned upon a question of the validity of the regulation or order, then there is nothing that you can do if the regulation or order has been in existence 60 days.

Under the procedure set up in this bill you may make application to the court for a stay of those proceedings any time during the proceedings or within 5 days after judgment, to have the question of the validity of the regulation, order, license, or any of the other provisions tested in the Emergency Court of Appeals.

Mr. RIZLEY. What about the facts?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 5 additional minutes.

Mr. RIZLEY. Suppose the local court finds against the gentleman on the facts; then what can he do?

Mr. WOLCOTT. If it is on the facts, then you can proceed from there on up to the United States Supreme Court in the same manner that you proceed at the present time, because the courts are denied jurisdiction only to consider the validity of regulations or orders. They are not prohibited from trying questions of fact or whether perhaps there was sufficient evidence upon which to base a finding of law. That would become a question, of course, for the court to determine. The law states that—

Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation or price schedule.

If it was not a question of validity, if it turned on a question of fact, then you could take the case to the United States Supreme Court through your regularly constituted courts, the same as in any other proceeding.

Mr. RIZLEY. In other words, you could appeal from the local court to the circuit court of appeals and from there on to the Supreme Court of the United States?

Mr. WOLCOTT. Yes.

Mr. RIZLEY. You can do that under the present law?

Mr. WOLCOTT. Yes.

Mr. RIZLEY. You can do that under the bill as amended?

Mr. WOLCOTT. Yes.

Mr. RIZLEY. So there has been no change as far as that situation is concerned?

Mr. WOLCOTT. That is right. The only thing we do is to authorize the pleading of the invalidity of the regulation or order at any time, but if it is a question of validity which affects the whole price schedule throughout the United States, we say you shall review that in this regularly constituted court, the Emergency Court of Appeals, which we have set up for the purpose of determining that question so there will not be a chaotic condition created by having perhaps as many decisions or opinions on the validity of it as there are district courts.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. To what degree are the matters in controversy tried de novo when you go into a court? I think that is what everybody would like to know.

Mr. WOLCOTT. I think if he goes into a district court, we will say, the whole matter is tried de novo.

Mr. SUMNERS of Texas. All the controversial matters that were considered by the agency when the agency took this step, whatever it was, would be examined by the court de novo?

Mr. WOLCOTT. That is right, everything with the exception of the validity of the regulation or order.

Mr. SUMNERS of Texas. What is involved in the question of validity or regulation of the order, a form?

Mr. WOLCOTT. Form? Here is an example. It has been my personal contention that the Office of Price Administration never had jurisdiction over ouster proceedings, over recovery and possession of real estate. They have assumed to have that jurisdiction. So if we did not give the Administrator the authority to regulate recovery and possession of real estate, the court then would determine whether or not the regulation which sought to regulate the recovery of real estate was invalid, whether he acted outside the scope of this authority.

Mr. SUMNERS of Texas. He looks to the law for his authority, yes; but to what degree does the law give him authority to act arbitrarily? That is what we all want to know.

Mr. WOLCOTT. It says that he cannot act arbitrarily or capriciously. If he does act arbitrarily or capriciously, then he is not acting within the law, and that question can be reviewed.

Mr. SUMNERS of Texas. May I ask another question that I think will help us? On the individual complaints with regard to the rates that have been fixed for the rental of property and things of that sort, what remedy does an individual living in the communities in which we live have in practice under this amended law?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 5 additional minutes.

In the first place, we have said that whether or not it is an equitable rent, whether or not it is generally fair and equitable, shall henceforth be determined by comparing it to the rents charged only within that particular defense rental area, not throughout the United States, so that we will not determine whether the rental of an apartment or a 5-room bungalow in Port Huron, Mich., is too low or too high as compared to rentals charged for similar accommodations in Pittsburgh or New York. They have to take into consideration its relationship to the rents charged in that particular defense area. We have amended the Stabilization Act by saying that the President shall, instead of may, provide for the correction of gross inequities.

Mr. SUMNERS of Texas. How is he going to do that? What I am trying to do now is this: Assuming that in my town it is ascertained by this agency that a given rent is a proper rent. Then what remedy in the courts has a person who feels he is aggrieved by that fixation of rent?

Mr. WOLCOTT. He can file a protest with the Office of Price Administration and he can go to the Emergency Court of Appeals. The Emergency Court of Appeals has authority to determine whether or not that is a rent which is generally fair and equitable as it applies to this particular area. If the Emergency Court of Appeals finds that in the operation of this regulation there has been created a gross inequity—the gentleman and I know what "gross" means.

Mr. SUMNERS of Texas. Yes.

Mr. WOLCOTT. Then we give the court jurisdiction to correct that gross inequity. The existing law states that the Administrator may correct this gross inequity so the court does not have jurisdiction to compel a correction. Under this bill each individual case can go to the Emergency Court of Appeals, and if it is a gross inequity or a hardship case the Emergency Court of Appeals has the authority under the language which we have set up to correct the gross inequity by amending the order or changing the regulation or setting it aside altogether as it applies to that particular property.

Mr. SUMNERS of Texas. I know, but the Emergency Court of Appeals is in Washington, is it not?

Mr. WOLCOTT. No, not necessarily.

Mr. SUMNERS of Texas. Where?

Mr. WOLCOTT. Anywhere in the United States.

Mr. SUMNERS of Texas. All kinds of courts?

Mr. WOLCOTT. The court may sit anywhere in the United States.

Mr. RIZLEY. Where do you file the papers?

Mr. WOLCOTT. Here in Washington. The clerk's office is here.

Mr. RIZLEY. You have to send your papers up here to Washington to file them?

Mr. WOLCOTT. Yes.

Mr. SUMNERS of Texas. Is it contemplated that you will be able to make that sufficiently accessible to the average private citizen who feels he is aggrieved to make that work? Take the case of a widow who has divided a house into two apartments, and she has one rented.

Mr. WOLCOTT. If the gentleman will read the tetsimony of Judge Maris in volume I of the hearings he will find it very interesting.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kansas.

Mr. SCRIVNER. Prior to the application to the Emergency Court of Appeals, apparently it provides in here, as I read it, the protest shall be filed with the O. P. A.

Mr. WOLCOTT. That is right.

Mr. SCRIVNER. The proposed amendment as shown on page 17 of the committee report provides for a board of review consisting of one or more officers or employees of the Office of Price Administration designated by the Administrator.

To bring out the point I want to make, I am going to make it ridiculous. Under the language now, the Administrator of the Office of Price Administration could name as the board of review an office boy, could he not?

Mr. WOLCOTT. That is right.

Mr. SCRIVNER. Let us assume he would not do that but would go a little higher in the scale of employees. What percentage of chance would we have of having one of the employees under the Administrator overrule him and hold that his ruling was probably arbitrary?

Mr. WOLCOTT. Perhaps not any chance at all. Let me tell you why we set up this Board. It does not make any difference whether it is an office boy or the Deputy Administrator. If the Administrator does not follow the recommendation of the Board, he has to make a finding as to why he did not, and there is the basis for whether he acted arbitrarily or capriciously.

Mr. SCRIVNER. The point I am trying to make is that the probabilities are that the Board will sustain the Administrator.

Mr. WOLCOTT. I think the gentleman is right in that respect.

Mr. SCRIVNER. Why would it not give the citizen some protection if at least one or two members of that Board were possibly members of the public or of the group represented?

Mr. WOLCOTT. Because we set up the Board purely and simply for the purpose of making the case before it gets into the Emergency Court of Appeals. You have something on which to base your review. If he acted arbitrarily or capriciously in not following the recommendation of the Board, or if the Board says you are right but the Administrator nevertheless denies the petition, you can take it up on that record.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 10 additional minutes.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HORAN. One of the really valid complaints by productive industry against the operation of the O. P. A. has been the fact they have been very dilatory and too slow in putting out their amendments and their regulations. What assurance do we have that the courts will act, even though they have access to the courts? What are the time limitations?

Mr. WOLCOTT. In the first place we say the Administrator shall act within 90 days of the filing of the complaint, either to grant it or deny it or set it for trial. He shall act in any event, as I recall, within 90 days. But we give the Emergency Court of Appeals the authority to act in each case, it may be only 10 days, and if the Emergency Court of Appeals determines it is one of those cases where time is of the essence, as in the case of fresh fruit and vegetables, they can order the Administrator to make a decision within any number of days, even less than the number set in the act. So you have control over the situation there. The whole theory of the thing is that we expedite the consideration of these cases and allow the Emergency Court of Appeals much more latitude than they ever have had in compelling action by the Administrator. As I view it, we have absolutely prevented a continuance of the cases to which you refer that have been pending down in the O. P. A. for months and months and months. Now, at least, you can get your day in court as to whether they shall hold them there for months or decide them within a reasonable time.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HARNESS of Indiana. This board is appointed by the Administrator from among the employees in the O. P. A. Is that right?

Mr. WOLCOTT. We still have this advisory board.

Mr. HARNESS of Indiana. They are directed, then, to appoint an advisory board consisting of businessmen and industrial leaders?

Mr. WOLCOTT. Yes, and we do say that he shall give consideration to the advice which was given to him by these advisory boards. I do not know whether that does anything, perhaps, but give to the court jurisdiction to have just a little bit of a look-see at what they are doing. I do not think it means too much.

Mr. HARNESS of Indiana. That is a board that the gentleman is talking about; an advisory board?

Mr. WOLCOTT. Yes.

Mr. HARNESS of Indiana. This board within the O. P. A. which the gentleman just mentioned a minute ago is appointed from the employees of the O. P. A. by the Administrator; is that right?

Mr. WOLCOTT. Yes.

Mr. HARNESS of Indiana. I assume the gentleman and his committe gave consideration to it, but does the gentleman know of any board appointed from among employees of an agency that would give an independent decision differing from the head of the agency?

Mr. WOLCOTT. We have just had some discussions about that. I said the purpose of having this hearing before the board is to make a record for the Emergency Court of Appeals. We have said if he does not follow the recommendation of the board, then you have your case all made as to whether he acted capriciously or arbitrarily. That is the only way you can get it.

Mr. HARNESS of Indiana. I really do not see the necessity of having the board then. The Administrator could act. They are merely appointed by the Administrator?

Mr. WOLCOTT. That is right.

Mr. HARNESS of Indiana. Why have a board? Why not let the Administrator take the responsibility and appeal from his decision?

Mr. WOLCOTT. Because under the present system you have not completed your case before you get into the Emergency Court of Appeals. If you have a hearing before a board you are taking testimony, you are gathering affidavits and statements and so forth and you have some kind of case made. That is the only purpose. It does not make any difference whether he is an office boy or what.

Mr. SUMNERS of Texas. The gentleman from Indiana has asked a pertinent question. When you come to make that record, does the aggrieved person have any right, as a matter of right, to have process served and have witnesses; and is he making up the record or is it tried on a record made when he gets the case to the Court of Appeals?

Mr. WOLCOTT. The bill provides that the protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral arguments before the Board.

Mr. HARRIS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HARRIS of Arkansas. The gentleman spoke a moment ago about the 60-day provision with reference to testing the validity of a regulation. Is that changed in this present act?

Mr. WOLCOTT. Yes. We have provided that a protest may be filed at any time.

Mr. HARRIS of Arkansas. After a regulation is issued?

Mr. WOLCOTT. Yes.

Mr. HARRIS of Arkansas. At any time an individual is affected, anyone might then go in and file his protest to the Board?

Mr. WOLCOTT. Section 203 (a), which is found on page 17 of the report, removes the 60-day limitation altogether.

Mr. HARRIS of Arkansas. That is a very wise provision.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. SCRIVNER. The Board to which the gentleman from Michigan just referred is the same board that is in section 205 (c), to which may be appointed an office boy or a charwoman?

Mr. WOLCOTT. Yes.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. JENKINS. With reference to what is called forcible entry and detainer, which we in Ohio call ouster, we have to serve a 90-day notice. Under the present law, is that a matter of regulation?

Mr. WOLCOTT. Yes; that is a matter of regulation.

Mr. JENKINS. Let me ask the gentleman this question. Would it be germane and appropriate and proper if an amendment were offered to change that from 90 to 30 days? Could we make that part of the law?

Mr. WOLCOTT. I would advise the gentleman not to do it, because that would be a recognition of the jurisdiction of the Administrator over ouster proceedings. I do not know wherein we have given the Administrator jurisdiction over ouster proceedings except to stop manipulative practices with respect to the rent itself, to defeat the rent ceiling.

Mr. JENKINS. Here is the way it works in my county. If a landlord wants to get rid of a tenant he gives him a 90-day notice and then he must fight the O. P. A. officials, and they consult with the tenant. The first thing you know he has got all the officials and the tenants all against him. I know one case now where they have been trying to get the tenant out since the 1st of last October and they have not been able to evict the person yet. Something ought to be done about that.

Mr. WOLCOTT. In view of the assumed authority of the Administrator, it would be in order to amend the rental provisions of the act to provide that nothing contained in this act shall be construed so as to give the Administrator of Price Control jurisdiction over suits to recover possession of property. It would be perfectly in order. I wish if the gentleman does that he would include use and occupancy of property, because he has no jurisdiction over use and occupancy of property or over the terms and conditions of the sale of real estate.

Mr. JENKINS. That is another thing I was going to come to. Those are all orders. Where does he get the powers? Does he get them under Presidential war powers?

Mr. WOLCOTT. No; he assumes to have it.

Mr. JENKINS. Does the gentleman not think that is one of the most egregious errors? That is the greatest source of complaint I have in my country.

Mr. WOLCOTT. The Administrator does not assume to have it. I shall say that the President has assumed that he has the authority under the War Powers Act to authorize the Administrator to regulate the use and occupancy of real estate, the recovery of possession of real estate, and the terms and conditions of the sale of real estate by directives.

Mr. JENKINS. I think if we could provide in this law a provision with reference to this board to which reference has been made, so that it would be composed of something besides office boys or somebody under his jurisdiction, if we can provide that there be other individuals on that board, a three-man board in every State, for instance, it would have to be in every State, to which people can go and then make a provision with reference to this ouster, so that it would be within the jurisdiction of the local court, and these agencies would not have anything to do with it, we would relieve ninety percent of the complaints as to rent control so far as my section of the country is concerned.

Mr. WOLCOTT. I think I would want to review the suggestion of the gentleman in the light of whether it would defeat the purposes of the price and rent control provisions. I was not able to follow the gentleman carefully enough to give an offhand opinion on it.

Mr. JENKINS. I appreciate that what I am asking is pretty important because if it is not within the purview of this law it could not be done.

Mr. WOLCOTT. It would be within the purview of the law. It would be germane to the law. Whether we would want to do it and perhaps thereby weaken rent control and price control is another question. I do not know whether I want to go along with the gentleman on that until I see the amendment proposed by the gentleman.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. JUDD. Did I understand the gentleman correctly to say that if the Administrator disagreed with the recommendation of this Board, or of his subordinates, then the aggrieved individual could appeal from the Administrator's disagreement with the Board; is that right?

Mr. WOLCOTT. It amounts to the same thing. Assume that the Board recommends that this gross inequity be corrected or that the regulations or order be amended in this particular case, then, of course, if the Administrator follows the recommendation, then that probably removes the grievance. But if he does not follow the recommendation and says, "Notwithstanding the recommendation of the Board, I am going to hold against the protestant," then, of course, you have the foundation for your appeal to the Emergency Court of Appeals and you have your record all made.

Mr. JUDD. But there is the fallacy in the set-up, because the Board consists of the organization's subordinates, and they would almost never hold in favor of the protestant. They will hold in favor of the superior. Therefore both the Board and the Administrator will be against the protestant.

Mr. WOLCOTT. Not any more so than the Administrator himself might grant or deny it.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

EXTENSION OF PRICE CONTROL AND STABILIZATION

Mr. SPENCE. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, we heard dozens of witnesses on the question of extending the Price Control and Stabilization Acts. It is interesting to notice that not one single witness advocated repeal of the law. Not one single witness stated that the law should not be extended. I do not believe there has been a single communication received by any member of the committee advocating that this law be not extended.

OUR CHAIRMAN

In the beginning I want to say a word about the chairman of our committee.

He sat as chairman of the committee for more than 40 days and heard witnesses, morning and afternoon and sometimes late evenings. In addition to that we had executive sessions for several days. Our chairman was not only kind and considerate of the wishes of every witness, but he was very patient with the committee, as well as the witnesses. I think he has done an excellent job on this bill. He presided with dignity, discretion, and fairness. I do not believe that any witness will say a word in protest of the treatment he received, and I am sure no member of the committee has any objection to the way the proceedings were conducted, because under the leadership of the distinguished gentleman from Kentucky [Mr. SPENCE] every witness was given all the time that could possibly be spared under the circumstances, and sufficient time to please the witnesses. Every member of the committee was given all the time he desired to interrogate witnesses.

THE PRESIDENT, BYRNES, AND VINSON

In addition to complimenting the distinguished chairman of the committee I desire to say, as one who has followed price control and wage stabilization from the beginning, that there are others in Washington who are entitled to words of praise and commendation. In addition to President Franklin D. Roosevelt, who manifested more vision in connection with inflation than any other person, I have in mind Mr. Justice James Byrnes, who resigned from a position on the Supreme Court of the United States, paying a salary at least twice as much as the salary he has been receiving in the office that has often been referred to as Assistant President of the United States. He gave up many valuable rights to take this place. It is a very difficult job. I think anyone who is willing to make that kind of a sacrifice in wartime is entitled to be praised and commended.

In addition to that, Judge Fred Vinson, holding a constitutional judgeship in a United States Federal court, resigned his place and became Economic Stabilizer, a place where he seldom receives a word of praise. However, he is doing a necessary job that someone must do, and which requires a man like Fred Vinson, who not only has knowledge and ability, but has the courage of his convictions.

It is true the decisions of these gentlemen are not always pleasing to us, but we view these problems oftentimes from a restricted viewpoint, as they affect our own particular districts or the people we have the honor to represent. These gentlemen, along with the President of the United States under whom they serve, must view these problems from an over-

all standpoint and not consider them from the standpoint of any particular constituency or any Member of Congress or the people of any particular State but of all the people of the United States.

The Price Control Act was enacted into law on January 30, 1942. That was the Price Control Act. The Stabilization Act became law on October 2, 1942. I believe everyone in Congress feels that these acts are well worded and provide sufficient powers to control inflation. I think these acts represent more the knowledge, ability, and hard work of Leon Henderson and David Ginsburg than any other two men. I had the privilege of working with those gentlemen when they were framing these acts, as did other members of the committee. We worked sometimes until 12 and 1 o'clock at night. We had many disputes about the language that should go into those acts, but generally they are well worded to carry out the objects and intentions of Congress. I think the Congress is to be commended for the first time in history, during a war, to make an effort to prevent inflation. No other Congress in the history of this Nation has ever made that attempt.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield.

Mr. PATMAN. I hope the gentleman will not ask me to yield just now.

Mr. HARNESS of Indiana. I wanted to inquire about the intention of Congress.

Mr. PATMAN. If the gentleman will not insist, I will appreciate it very much, with the assurance that when I get through I will be very glad to yield.

SIXTY-FIVE BILLION DOLLARS SAVED ON WAR COST ALONE

This law has actually worked. The gentleman from Michigan [Mr. WOLCOTT] is one of the ablest members of our committee, and one of the ablest men in this House. He made a fine speech a short time ago on this bill. I congratulate him on the speech he delivered on the floor of this House in connection with this proposed bill. But the gentleman from Michigan [Mr. WOLCOTT] made one statement with which I do not entirely agree. In fact, I disagree with the gentleman about it. That is, that there is no particular way or exact standard or guide that will enable us to determine that we have actually saved $65,000,000,000 by reason of the enactment of these acts up to a certain period of time. I take issue with the distinguished gentleman on that, and I desire to cite proof to substantiate the statement I am making.

It is not fortunate that we had another war, World War No. 1, but since we had that war, and it cannot be changed, we are fortunate that we have a similar period of time that we can measure with the period of time we are now going through and have gone through in World War No. 2, as to prices.

So if we will go back and ascertain prices during the first 52 months of World War No. 1 and then come up to World War No. 2 and determine prices for the same period of time, 52 months from the time the war started, and determine how much it cost to buy certain things during that period in the first war and the cost of buying the same things during World War No. 2, during exactly the same period of time—I think that is an excellent guide to go by—if we do that we shall discover that if we had paid the same prices during the 52 months of World War No. 2 that we paid during the 52 months of World War No. 1 for the identical commodities and articles and goods purchased we shall discover that we saved $65,000,000,000 on the war cost alone during the first 52 months of this war. This is something that I think is of great interest. In fact I believe we have saved a lot more than that for I believe prices would have gone much higher in World War No. 2 during those 52 months than they went during World War No. 1 because the inflationary pressures were several times as great during the first 52 months of World War No. 2 as they were during the first 52 months of World War No. 1. Instead, therefore, of minimizing the importance of the statement—it is easily proven by taking a notebook and pencil and figuring it out for yourselves—instead of minimizing the statement we should say that we have saved a lot more than that because inflationary pressures have been so much greater that prices would have gone so much higher in this war than they did during World War No. 1.

This law has actually worked. Not only did we save $65,000,000,000, which is equal to $500 for every man, woman, and child in America, but it means that our national debt would be $65,000,000,000 more today than it is had it not been for this law. Not only that, but the consumers of this country have saved $22,000,000,000 during the same period of time, or $700 for every family in the United States. Let us disregard the $22,000,000,000, however, and consider only the $65,000,000,000 we know we have saved and that we can prove we have saved.

The interest on that $65,000,000,000 at a rate that is considered the going rate of interest for the Government—on that $65,000,000,000—would be a lot more in 1 year than the entire cost of the administration and enforcement of these laws to date. So it has been a mighty good investment and Congress should be exceedingly proud of it.

During World War No. 1, civilians obtained 75 percent of all the goods that were produced; only 25 percent went to the war effort; but in this war the war effort already is using 46 percent of all goods, and only 54 percent is going to civilians; so there is an inflationary pressure there. We are spending money at the rate of seven and one-half billion dollars a month for the war. That goes into the channels of trade and distribution, and represents a highly inflationary pressure.

STILL PAYING INTEREST ON UNNECESSARY COST OF LAST WAR

The cost of World War No. 1 was $32,000,000,000. That is a large amount—$32,000,000,000. If during World War No. 1 Congress had enacted similar laws to those that were enacted during World War No. 2, and they had worked as well the cost of World War No. 1 would have been only $18,500,000,000 and we would have saved $13,500,000,000. The latter figure represents really unnecessary cost, and we are still paying interest on it.

Under price control small businesses have gotten along well, but many business operators have complained about the forms and regulations they have to be governed by. Naturally they would, because they are not accustomed to them, but it is during war that we have got to have some kind of controls, including rationing. They realize it, and generally the number of failures in small businesses has been much less than in any other period of time during the last 50 years. So small business, contrary to the report that is made oftentimes, has done well under the administration of O. P. A.

What would be the alternative if we did not have price control and wage stabilization? The alternative would be that prices would go out of sight, wages would go out of sight, we would have inflation, and then we would have a collapse. The reason the collapse after the last war was no greater than it was—and it was very great, and very harmful, and very devastating—the reason it was no worse than it was was because the inflation was no worse. A collapse is always as bad as the inflation preceding it; so in order to prevent this kind of inflation we have got to have controls. If we do not maintain these controls, our bonds will not be worth anything, our money will not be worth anything, our bank deposits will not be worth anything, the insurance money that is returned to people will not buy anything to speak of in the stream of inflation we would likely have. People who are on fixed salaries and wages would have their purchasing power absolutely destroyed. They represent the middle class. The old-age-assistance group would be wiped out so far as their purchasing power is concerned, and it would absolutely destroy the country here on the home front.

I know these rules and regulations are burdensome to people, are annoying and irritating, but with this good report that can be made of savings I believe we can well afford to put up with a lot of things we do not like.

I have heard it said that Mr. Bowles and others are advocating that after this war is over these controls and so-called regimentation—and a lot of it has got to be regimentation—and rules be continued even during peacetime and after they are unnecessary. I want to definitely and positively deny that for Mr. Bowles, because I know his views are just the opposite. He has never made such statements to my knowledge, and I have read a lot of his speeches and have heard him a lot of times before committees and elsewhere; his view is that we shall probably have to carry on price control and rationing for a time after the war, not long, but until the dangers of inflation are over. I agree to that; you agree to that; everyone who has studied the problem will agree that we must do that. We have history to look back to and find out for ourselves that the greatest danger of inflation is just after the war is over.

That is the greatest danger of inflation. After this war is over people will want to cash their bonds, they will want to convert what they have into money to buy automobiles, they will want to buy refrigerators, they will want to build homes and buy other things and it will be necessary to maintain some controls until that dangerous period is over, until we can get back into production and get them back to normal condition of supply and demand. No one is advocating to my knowledge that these rules, regulations, price controls, and rationing continue on for any period of time beyond that dangerous period immediately after the war is over. No one is advocating that, and I do not think the statement should be made, because I do not know of anyone who is advocating it.

Mr. Chairman, we have a law here that affects 135,000,000. It affects 35,000,000 families in the United States. The law affects 3,000,000 different kinds of business establishments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPENCE. Mr. Chairman, I yield the gentleman 10 additional minutes.

ENORMOUS TASKS OF O. P. A.

Mr. PATMAN. These 3,000,000 establishments represent 189,000 manufacturing plants, 93,000 wholesalers, 1,770,000 retailers, and 288,000 service establishments.

We have 8,000,000 different prices. The O. P. A. has fixed more than 8,000,000 different prices on 8,000,000 commodities and articles, including grades, classes, styles, designs, and fashions. The O. P. A. in doing this job will certainly make some mistakes. As long as we have human beings administering laws, mistakes will be made, but remember that O. P. A. has 650,000 telephone calls on an average every day. They have every day, I repeat, 650,000 telephone calls. You cannot conceive of a correct answer being given in the case of every one of the 650,000 telephone calls. We all know the law of averages still exists. That is one law that the Congress cannot repeal. The law of averages would give at least a certain percentage of those answers that would be wrong. You might just as well accept that.

Another thing is that the O. P. A. receives 400,000 letters every business day. Can you expect all those letters to be perfectly answered according to the law and the rules and regulations? Why, certainly not. You would not expect perfection. Even just a small percent of those answers being wrong could cause a lot of trouble and a lot of complaint. This is one law that cannot be perfectly administered and also satisfactory in every way. During relief times when the Government was giving away money, we never discovered any way that the law could be satisfactorily administered. That was even giving people money. We could never do it satisfactorily.

Here is a law by which you take something from the people. You deny them goods they would like to have, you refuse them the privilege of spending their own money in the way they want to spend it. We have to expect the normal number of complaints and the normal number of cases that are handled in an unsatisfactory way, because human beings are administering this law.

Furthermore, Mr. Chairman, there are a thousand applications for price increases every day. Think of it, a thousand applications for price increases every day.

JUDGE MARVIN JONES AND CHESTER BOWLES

In connection with those who are working and sacrificing comforts and conveniences, and enduring all kinds of hardships, criticism, and censure in an effort to do a good job, I would like to mention one of the finest, the most able and best men I have ever known, a man who served with you gentlemen here for a number of years, a man who is now serving as War Food Administrator, a man who is doing a great job. I refer to Marvin Jones, who is to be commended for his good work. Chester Bowles is an able official, and has brought a lot of common sense to the position that he holds. He has a wonderful staff, he has an excellent group of good business people who know what this job is all about. They know that mistakes have been made, they know that they will be made in the future, they recognize all that, but they are making every effort to speedily adjust a mistake as soon as it is discovered. In other words, if a mistake is made, be in a hurry to get it adjusted. They seem to be doing just that.

Mr. Leon Henderson had no experience to guide him. He was on an uncharted sea. But Mr. Bowles has had some experience to guide him, he is taking advantage of that experience and he is using it in the public interest for the purpose of removing a lot of restrictions, irritations, and annoyances that have caused so much trouble among the people in connection with the enforcement of this act.

RATIONING NECESSARY

Rationing is not directly involved in this law because rationing is not authorized by either one of the O. P. A. acts. Rationing is enforced and administered under the Second War Powers Act which gives to the President of the United States certain power and authority to act. Under the authority of that Second War Powers Act he has caused rationing to be put into effect. Many people say that we should not have rationing but I do not think they are considering the over-all picture. I do not think they have all the information on the subject. If they did have all the information they would not advocate the abandonment of rationing.

Rationing is the poor man's friend, rationing gives to the poor fellow, the one without influence, without prestige or power, his part of the goods that are made, his part of this scarce, limited supply of goods. It is right. I know when we had trouble down in the Gulf of Mexico with submarines and sugar could no longer be sent up the eastern seaboard to New York, Philadelphia, and Baltimore, sugar had to be sent over to Houston, Tex. It had not been sent there before to go to these points. The consequence was that all warehouses down there were filled up quickly. They were overflowing. Newspaper reporters went down there and took pictures of these big warehouses loaded down, their sides bursting almost because they were filled with sugar. They stated, "Here are enormous quantities of sugar. Why ration sugar?" But they overlooked the fact they were just diverting that sugar around through Houston and it had to be sent by rail the rest of the way up to Baltimore, Philadelphia, and New York.

When you look at the picture over-all you will find that there is a necessity. Furthermore, in the case of sugar, if we did not have some kind of rationing a large percentage would go into moonshine liquor and the making of nonessentials even to the extent that our armed services would probably not get the amount of sugar to which they are entitled.

SUGAR USED IN SYNTHETIC RUBBER PROGRAM

Let us consider the synthetic rubber program for a minute. It is going to require and is requiring a million tons of sugar a year in the synthetic rubber program alone. That is 16⅔ percent of all the sugar that we normally have available. You never hear anybody say anything about that. You cannot take a million tons of something away at a time and not have a scarcity in that commodity when we only have available five or six million tons a year normally.

Mr. Chairman, I hope this law will be passed without crippling amendments. There are three amendments in the bill to which I am opposed, because, in my opinion, they are crippling amendments.

CRIPPLING AMENDMENTS

I am not accusing any member of the committee of deliberately trying to cripple or emasculate the act, but I do say that certain amendments are crippling and very harmful in the enforcement of this law. We have one such amendment, and that might be called the cost accounting amendment. The other amendment is taking the 60-day limit off, which now requires you have to contest these regulations in 60 days; just remove it entirely. I was opposed to that, and I think that is a crippling amendment.

Another crippling amendment, harmful and almost devastating—I am not so sure it is not devastating—is the amendment that strikes out certain language about circumvention and evasion of the law. Under the present act business practices cannot be changed. That is all right. We should not change them. I was very much in favor of that when it went in at first, when the law was enacted, but we had a provision in there reading—

Except where business practices were used to circumvent or evade the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPENCE. I yield the gentleman 3 additional minutes.

Mr. PATMAN. That is all right. It should be in there, but the committee, in passing on this, struck out that language

about circumvention or evasion. That permits fraud to be practiced, and we go on record in favor of circumvention and evasion of the law. How can you say that is not crippling? It is crippling. That amendment should be taken out of there, and I hope in the consideration of this bill it will be taken out.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Arizona.

WHAT $43.75 WOULD BUY IN FIRST WAR COMPARED TO THIS ONE

Mr. MURDOCK. I feel that I should not interrupt the gentleman's splendid statement, but I would like to ask the gentleman whether he has seen this comparison which I hold in my hand.

Mr. PATMAN. Yes; I am going to ask unanimous consent in connection with these remarks, when we go back into the House, that I may have the privilege of inserting it in parallel columns.

S. S. PIERCE CO.

Family Grocers Since 1831

Boston, May 15, 1944.

THEN AND NOW

In the third year after our entry into—

The last war $43.75 would buy—	The present war $43.75 will buy—
One barrel Swansdown flour;	One barrel Swansdown flour;
One hundred pounds sugar;	One hundred pounds sugar;
And nothing else!	And these 88 other items—
	Choisa Ceylon tea, ¼-pound package.
	Red Label coffee, 1-pound bag.
	Swansdown baking powder, ½-pound tin.
	Overland peanut butter, 1-pound jar.
	Overland wheat cereal, 28-ounce package.
	Shredded wheat, 12-ounce package.
	Overland premium chocolate, ½-pound cake.
	Baker's Dutch process cocoa, ½-pound tin.
	S. S. P. sweet biscuits, 1-pound package.
	Educator Crax, 1-pound package.
	Sunshine Krispy crackers, 1-pound package.
	Uneeda biscuits, 4-ounce package.
	Pennant butter cookies, 12-ounce package.
	Red Label large eggs, dozen.
	Overland vanilla extract, 2-ounce bottle.
	Epicure boneless codfish, 1-pound box.
	Red Label salmon steak, 7¾-ounce tin.
	Red Label red Alaska salmon, 16-ounce tin.
	Quaker yellow corn meal, 24-ounce package.
	Swansdown corn starch, 1-pound package.
	Swansdown pancake flour, 20-ounce package.
	Pie crust mix, 8-ounce package.
	Pillsbury's cake flour, 2¾-pound package.
	Choisa pulled figs, 1-pound package.
	Overland 18–24 prunes, 1-pound package.
	Epicure seeded raisins, 15-ounce package.
	Epicure seedless raisins, 15-ounce package.
	Overland watermelon rind, 10-ounce jar.
	Red Label apple sauce, No. 2 tin.
	Red Label strained cranberry sauce, 1-pound jar.
	Red Label fruit salad, No. 2½ tin.
	Red Label fresh flavor peaches, No. 2½ tin.
	Red Label orchard ripe pears, No. 2½ tin.
	Red Label sliced pineapple, No. 2 tin.
	Epicure gelatine, package 4 envelopes.
	Overland clover blossom honey, 1-pound jar.
	Choisa herring salad, 4-ounce jar.
	Overland olive spread, 5-ounce jar.
	Choisa sardine spread, 3-ounce jar.
	Choisa fig jam, 2-pound 3-ounce jar.
	Overland grape jam, 1-pound jar.
	Overland strawberry jam, 1-pound jar.
	Prune jam, 1-pound jar.
	Overland crab-apple jelly, 12-ounce jar.
	Overland grape jelly, 12-ounce jar.
	Overland guava jelly, 12-ounce jar.
	Overland macaroni, 12-ounce package.
	Overland spaghetti, 12-ounce package.
	Epicure orange marmalade, 1-pound jar.
	Raspberry-flavored marmalade, 1-pound jar.
	Red Label sliced bacon, 1-pound package.
	Epicure boned chicken, 3½-ounce jar.
	Overland chicken spread, 4-ounce jar.
	Overland ham spread, 4½-ounce jar.
	Armour's lunch tongue, 12-ounce tin.
	Ready-cut smoked turkey, 1-pound jar.
	Swift's Prem, 12-ounce tin.
	Red Label chicken fricassee, 14¾-ounce jar.
	Royal Purple evaporated milk, 14½-ounce tin.
	Overland queen olives, 4¾-ounce bottle.
	Overland stuffed queen olives, 6-ounce bottle.
	Wesson oil, quart bottle.
	Overland sweet midget gherkins, 10-ounce bottle.
	Overland sour mixed pickles, 15-ounce bottle.
	S. S. P. French dressing, 8-ounce bottle.
	Swansdown salt, 2-pound package.
	Red Label clam chowder, 11-ounce tin.
	Red Label cream of tomato soup, 16-ounce tin.
	Red Label green turtle consomme, 13-ounce tin.
	Red Label tomato soup, 10½-ounce tin.
	Red Label vegetable soup, 10½-ounce tin.
	Overland cider vinegar, gallon jug.
	Red Label tomato juice, 24-ounce tin.
	Overland tomato juice cocktail, 26-ounce bottle.
	Overland oven-baked pea beans, 28-ounce pot.
	Red Label tiny stringless beans, No. 2 tin.
	Red Label sliced beets, No. 2 tin.
	Red Label julienne carrots, No. 2 tin.
	Red Label golden bantam corn, No. 2 tin.
	Red Label whole kernel corn, No. 2 tin.
	Red Label spinach, No. 2½ tin.
	Red Label tomatoes, No. 2½ tin.
	Epicure grape juice, pint bottle.
	Red Label grapefruit juice, No. 2 tin.
	Red Label pineapple juice, No. 2 tin.
	Epicure prune juice, 32-ounce bottle.
	S. S. P. cold cream soap, box 12 cakes.
	Five-pack Overland perfecto cigars.

HAS O. P. A. PRICE CONTROL KEPT PRICES DOWN?

As this demonstration shows, O. P. A. price control has been of great benefit to the consumer in keeping prices down. The comparison of what $43.75 would buy then and now is dramatic evidence of what can—and does—happen when prices are not controlled.

This exhibit brings up to date a comparison of prices which we have presented from time to time during the past 25 years, as a matter of general interest.

Because these items were much in the public mind, a barrel of flour and 100 pounds of sugar were used as the original basis for comparison.

Mr. MURDOCK. I would like to say to the gentleman that I remember the situation in the other World War, at a comparable time. I remember that we had to pay $43.75 for the quantities of flour and sugar as indicated here, and I note by my present purchasing that all these things may be added.

Mr. PATMAN. And 88 more in addition to the barrel of flour and the 100 pounds of sugar.

Mr. MURDOCK. I can overlook a good many mistakes made by O. P. A. when I think what the consuming population of America has been saved by this Administration.

Mr. PATMAN. I thank the gentleman.

Mr. GILLESPIE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. GILLESPIE. The gentleman mentioned a figure of 65 or 68.

Mr. PATMAN. Sixty-five billion dollars. At the end of this year there will be a saving of one hundred and forty billion—absolute saving—on the war cost alone as compared with prices paid during the last war.

Mr. GILLESPIE. Has the gentleman any figures which would show how much of that would have gone to cotton, corn, and wheat; to the farmers of America?

Mr. PATMAN. Some of it would have gone there. The farmers would have also paid more. During the last war sugar went to 35 cents a pound—several times as much as now. But that was the main thing. The price of wheat and cotton did not go up so much during World War No. 1; it was after the war was over and during the inflationary period. What made it cost so much was the cost of steel, aluminum, and things like that. There is where the war cost was. For instance, steel plate went up 187 percent during that same period of the First World War, and during this war, in the same period, it has not gone up one penny. The same is true as to plate glass, cement, and many other things. There is where the real war cost is.

Mr. GILLESPIE. How much of this $65,000,000,000 would have been drained off in taxes?

The CHAIRMAN. The time of the gentleman from Texas has expired.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

[PUBLIC LAW 421, 77TH CONG. CH. 26, 2D SESS.]

H. R. 5990

An act to further the national defense and security by checking speculative and excessive price rises, price dislocations, and inflationary tendencies, and for other purposes

Be it enacted, etc.,

TITLE I—GENERAL PROVISIONS AND AUTHORITY

PURPOSES; TIME LIMIT; APPLICABILITY

SECTION 1. (a) It is hereby declared to be in the interest of the national defense and security and necessary to the effective prosecution of the present war, and the purposes of this Act are, to stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities caused by or contributing to the national emergency; to assure that defense appropriations are not dissipated by excessive prices; to protect persons with relatively fixed and limited incomes, consumers, wage earners, investors, and persons dependent on life insurance, annuities, and pensions from undue impairment of their standard of living; to prevent hardships, to persons engaged in business, to schools, universities, and other institutions, and to the Federal, State, and local governments, which would result from abnormal increases in prices; to assist in securing adequate production of commodities and facilities; to prevent a post emergency collapse of values; to stabilize agricultural prices in the manner provided in section 3; and to permit voluntary cooperation between the Government and producers, processors, and others to accomplish the aforesaid purposes. It shall be the policy of those departments and agencies of the Government dealing with wages (including the Department of Labor and its various bureaus, the War Department, the Navy Department, the War Production Board, the National Labor Relations Board, the National Mediation Board, the National War Labor Board, and others heretofore or hereafter created), within the limits of their authority and jurisdiction, to work toward a stabilization of prices, fair and equitable wages, and cost of production.

(b) The provisions of this Act, and all regulations, orders, price schedules, and requirements thereunder, shall terminate on [June 30, 1944] *June 30, 1945*, or upon the date of a proclamation by the President, or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this Act is not necessary in the interest of the national defense and security, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this Act and such regulations, orders, price schedules, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

(c) The provisions of this Act shall be applicable to the United States, its Territories and possessions, and the District of Columbia.

PRICES, RENTS, AND MARKET AND RENTING PRACTICES

SEC. 2. (a) Whenever in the judgment of the Price Administrator (provided for in section 201) the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act, he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods: Provided further, That this Act shall not be construed or interpreted in such a way as to give the Administrator the right to fix profits where such action has no relation to price control.* Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, *and shall give consideration to their recommendations.* In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable, *and such recommendations shall be considered by the Administrator.* Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a regulation or order issued under the foregoing provisions of this subsection.

(b) Whenever in the judgment of the Administrator such action is necessary or proper

in order to effectuate the purposes of this Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area. If within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum rent for any defense-area housing accommodations, the Administrator shall ascertain and give due consideration to the the rents prevailing for such accommodations, or comparable accommodations, on or about April 1, 1941 (or if, prior or subsequent to April 1, 1941, defense activities shall have resulted or threatened to result in increases in rents for housing accommodations in such area inconsistent with the purposes of this Act, then on or about a date (not earlier than April 1, 1940), which, in the judgment of the Administrator, does not reflect such increases), and he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs *within such defense-rental area.* In designating defense-rental areas, in prescribing regulations and orders establishing maximum rents for such accommodations, and in selecting persons to administer such regulations and orders, the Administrator shall, to such extent as he determines to be practicable, consider any recommendations which may be made by State and local officials concerned with housing or rental conditions in any defense-rental area.

(c) Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions, as in the judgment of the Administrator are necessary or proper in order to effectuate the purposes of this Act. *The Administrator shall provide for individual adjustments in those classes of cases where the rent on the maximum rent date for any housing accommodations is, due to peculiar circumstances, substantially higher or lower than the rents generally prevailing in the defense-rental area for comparable housing accommodations.* Any regulation or order under this section which establishes a maximum price or maximum rent may provide for a maximum price or maximum rent below the price or prices prevailing for the commodity or commodities, or below the rent or rents prevailing for the defense-area housing accommodations, at the time of the issuance of such regulation or order. *Whenever the Administrator shall find that the availability of adequate rental housing accommodations and other relevant factors are such as to eliminate speculative, unwarranted, and abnormal increases in rents and to prevent profiteering, and speculative and disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this Act shall be forthwith abolished in such areas theretofore designated by the Administrator as defense-rental areas; but whenever in the judgment of the Administrator it is necessary or proper, in order to effectuate the purpose of this Act, to reestablish the regulation of rents in any such defense-rental area, he may forthwith by regulation or order establish maximum rents for housing accommodations in the area in accordance with the standards set forth in this Act.*

(d) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act, he may, by regulation or order, regulate or prohibit speculative or manipulative practices (including practices relating to changes in form or quality) or hoarding, in connection with any commodity, and speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-area housing accommodations, which in his judgment are equivalent to or are likely to result in price or rent increases, as the case may be, inconsistent with the purposes of this Act.

(e) Whenever the Administrator determines that the maximum necessary production of any commodity is not being obtained or may not be obtained during the ensuing year, he may, on behalf of the United States, without regard to the provisions of law requiring competitive bidding, buy or sell at public or private sale, or store or use, such commodity in such quantities and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof or otherwise to supply the demand therefor, or make subsidy payments to domestic producers of such commodity in such amounts and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof: *Provided*, That in the case of any commodity which has heretofore or may hereafter be defined as a strategic or critical material by the President pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, such determinations shall be made by the Federal Loan Administrator, with the approval of the President, and, notwithstanding any other provision of this Act or of any existing law, such commodity may be bought or sold, or stored or used, and such subsidy payments to domestic producers thereof may be paid, only by corporations created or organized pursuant to such section 5d; except that in the case of the sale of any commodity by any such corporation, the sale price therefor shall not exceed any maximum price established pursuant to subsection (a) of this section which is applicable to such commodity at the time of sale or delivery, but such sale price may be below such maximum price or below the purchase price of such commodity, and the Administrator may make recommendations with respect to the buying or selling, or storage or use, of any such commodity: *Provided, however, That, with the exception of any commodity which prior to the effective date of this amendatory proviso has been defined as a strategic or critical material pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, no agricultural commodity or commodity manufactured or processed in whole or substantial part from any agricultural commodity intended to be used as food for human consumption, shall, for the purposes of this subsection, be defined as a strategic or critical material pursuant to the provisions of said section 5d of the Reconstruction Finance Corporation Act, as amended.* In any case in which a commodity is domestically produced, the powers granted to the Administrator by this subsection shall be exercised with respect to importations of such commodity only to the extent that, in the judgment of the Administrator, the domestic production of the commodity is not sufficient to satisfy the demand therefor. Nothing in this section shall be construed to modify, suspend, amend, or supersede any provision of the Tariff Act of 1930, as amended, and nothing in this section, or in any existing law, shall be construed to authorize any sale or other disposition of any agricultural commodity contrary to the provisions of the Agricultural Adjustment Act of 1938, as amended, or to authorize the Administrator to prohibit trading in any agricultural commodity for future delivery if such trading is subject to the provisions of the Commodity Exchange Act, as amended.

(f) No power conferred by this section shall be construed to authorize any action contrary to the provisions and purposes of section 3, and no agricultural commodity shall be sold within the United States pursuant to the provisions of this section by any governmental agency at a price below the price limitations imposed by section 3 (a) of this Act with respect to such commodity.

(g) Regulations, orders, and requirements under this Act may contain such provisions as the Administrator deems necessary to prevent the circumvention or evasion thereof.

(h) The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, [except to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this Act] *or changes in established rental practices.*

(i) No maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1941.

(j) Nothing in this Act shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the Administrator to require the grade labeling of any commodity; (3) as authorizing the Administrator to standardize any commodity, unless the Administrator shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such commodity; or (4) as authorizing any order of the Administrator fixing maximum prices for different kinds, classes, or types of a commodity which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another Government agency.

AGRICULTURAL COMMODITIES

SEC. 3. (a) No maximum price shall be established or maintained for any agricultural commodity below the highest of any of the following prices, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or, in case a comparable price has been determined for such commodity under subsection (b), 110 per centum of such comparable price, adjusted in the same manner, in lieu of 110 per centum of the parity price so adjusted; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average price for such commodity during the period July 1, 1919, to June 30, 1929.

(b) For the purposes of this Act, parity prices shall be determined and published by the Secretary of Agriculture as authorized by law. In the case of any agricultural commodity other than the basic crops—corn, wheat, cotton, rice, tobacco, and peanuts—the Secretary shall determine and publish a comparable price whenever he finds, after investigation and public hearing, that the production and consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities.

(c) No maximum price shall be established or maintained for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agri-

cultural commodity equal to the highest price therefor specified in subsection (a).

(d) Nothing contained in this Act shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or to invalidate any marketing agreement, license, or order, or any provision thereof or amendment thereto, heretofore or hereafter made or issued under the provisions of such Act.

(e) Notwithstanding any other provision of this or any other law, no action shall be taken under this Act by the Administrator or any other person with respect to any agricultural commodity without the prior approval of the Secretary of Agriculture; except that the Administrator may take such action as may be necessary under section 202 and section 205 [(a) and (b)] to enforce compliance with any regulation, order, price schedule or other requirement with respect to an agricultural commodity which has been previously approved by the Secretary of Agriculture.

(f) No provision of this Act or of any existing law shall be construed to authorize any action contrary to the provisions and purposes of this section.

(g) Whenever a maximum price has been established, under this Act or otherwise, with respect to any fresh fruit or fresh vegetable, the Administrator from time to time shall adjust such maximum price in order to make appropriate allowances for substantial reductions in merchantable crop yields, unusual increases in costs of production, and other factors which result from hazards occurring in connection with the production and marketing of such commodity.

PROHIBITIONS

SEC. 4. (a) It shall be unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2, or of any price schedule effective in accordance with the provisions of section 206, or of any regulation, order, or requirement under section 202 (b) or section 205 (f), or to offer, solicit, attempt, or agree to do any of the foregoing.

(b) It shall be unlawful for any person to remove or attempt to remove from any defense-area housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this Act or any regulation, order, or requirement thereunder.

(c) It shall be unlawful for any officer or employee of the Government, or for any adviser or consultant to the Administrator in his official capacity, to disclose, otherwise than in the course of official duty, any information obtained under this Act, or to use any such information, for personal benefit.

(d) Nothing in this Act shall be construed to require any person to sell any commodity or to offer any accommodations for rent.

VOLUNTARY AGREEMENTS

SEC. 5. In carrying out the provisions of this Act, the Administrator is authorized to confer with producers, processors, manufacturers, retailers, wholesalers, and other groups having to do with commodities, and with representatives and associations thereof, to cooperate with any agency or person, and to enter into voluntary arrangements or agreements with any such persons, groups, or associations relating to the fixing of maximum prices the issuance of other regulations or orders, or the other purposes of this Act, but no such arrangement or agreement shall modify any regulation, order, or price schedule previously issued which is effective in accordance with the provisions of section 2 or section 206. The Attorney General shall be promptly furnished with a copy of each such arrangement or agreement.

TITLE II—ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

SEC. 201. (a) There is hereby created an Office of Price Administration, which shall be under the direction of a Price Administrator (referred to in this Act as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $12,000 per annum. The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary in order to carry out his functions and duties under this Act, and shall fix their compensation in accordance with the Classification Act of 1923, as amended. The Administrator may utilize the services of Federal, State, and local agencies and may utilize and establish such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Administrator in any case in any court. In the appointment, selection, classification, and promotion of officers and employees of the Office of Price Administration, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

(b) The principal office of the Administrator shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place. The President is authorized to transfer any of the powers and functions conferred by this Act upon the Office of Price Administration with respect to a particular commodity or commodities to any other department or agency of the Government having other functions relating to such commodity or commodities, and to transfer to the Office of Price Administration any of the powers and functions relating to priorities or rationing conferred by law upon any other department or agency of the Government with respect to any particular commodity or commodities; but, notwithstanding any provision of this or any other law, no powers or functions conferred by law upon the Secretary of Agriculture shall be transferred to the Office of Price Administration or to the Administrator, and no powers or functions conferred by law upon any other department or agency of the Government with respect to any agricultural commodity, except powers and functions relating to priorities or rationing, shall be so transferred.

(c) The Administrator shall have authority to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere; for lawbooks and books of reference; and for paper, printing, and binding) as he may deem necessary for the administration and enforcement of this Act. The provisions of section 3709 of the Revised Statutes shall not apply to the purchase of supplies and services by the Administrator where the aggregate amount involved does not exceed $250.

(d) The Administrator may, from time to time, issue such regulations and orders as he may deem necessary or proper in order to carry out the purposes and provisions of this Act.

(e) All agencies, offices, or officers of the Government exercising supervisory or policy-making powers over the Office of Price Administration, War Food Administration, or War Production Board, whether such powers are delegated to such agency, office, or officer by this or any other Act or by Executive order, shall exercise such powers only through formal written orders, or regulations which shall be promptly published in the Federal Register, but shall not otherwise be subject to the provisions of the Federal Register Act: Provided, That no order or regulation shall be published in accordance with the requirements of this subsection containing information which, for reasons of military security, it is not in the public interest to divulge.

INVESTIGATIONS; RECORDS; REPORTS

SEC. 202. (a) The Administrator is authorized to make such studies and investigations and to obtain such information as he deems necessary or proper to assist him in prescribing any regulation or order under this Act, or in the administration and enforcement of this Act and regulations, orders, and price schedules thereunder.

(b) The Administrator is further authorized, by regulation or order, to require any person who is engaged in the business of dealing with any commodity, or who rents or offers for rent or acts as broker or agent for the rental of any housing accommodations, to furnish any such information under oath or affirmation or otherwise, to make and keep records and other documents, and to make reports, and he may require any such person to permit the inspection and copying of records and other documents, the inspection of inventories, and the inspection of defense-area housing accommodations. The Administrator may administer oaths and affirmations and may, whenever necessary, by subpena, require any such person to appear and testify or to appear and produce documents, or both, at any designated place.

(c) For the purpose of obtaining any information under subsection (a), the Administrator may by subpena require any other person to appear and testify or to appear and produce documents, or both, at any designated place.

(d) The production of a person's documents at any place other than his place of business shall not be required under this section in any case in which, prior to the return date specified in the subpena issued with respect thereto, such person either has furnished the Administrator with a copy of such documents (certified by such person under oath to be a true and correct copy), or has entered into a stipulation with the Administrator as to the information contained in such documents.

(e) In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in subsection (c), the district court for any district in which such person is found or resides or transacts business, upon application by the Administrator, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The provisions of this subsection shall also apply to any person referred to in subsection (b), and shall be in addition to the provisions of section 4 (a).

(f) Witnesses subpenaed under this section shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(g) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., 1934 edition, title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege.

(h) The Administrator shall not publish or disclose any information obtained under this Act that such Administrator deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, un-

less he determines that the withholding thereof is contrary to the interest of the national defense and security.

PROCEDURE

SEC. 203. (a) [Within a period of sixty days] *At any time* after the issuance of any regulation or order under section 2, or in the case of a price schedule, [within a period of sixty days] *at any time* after the effective date thereof specified in section 206, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. [At any time after the expiration of such sixty days any person subject to any provision of such regulation, order, or price schedule may file such a protest based solely on grounds arising after the expiration of such sixty days.] Statements in support of any such regulation, order, or price schedule may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the Administrator. Within a reasonable time after the filing of any protest under this subsection, but in no event more than thirty days after such filing [or ninety days after the issuance of the regulation or order (or in the case of a price schedule, ninety days after the effective date thereof specified in section 206) in respect of which the protest is filed, whichever occurs later], the Administrator shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

(b) In the administration of this Act the Administrator may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 202.

(c) Any proceedings under this section may be limited by the Administrator to the filing of affidavits, or other written evidence, and the filing of briefs: *Provided, however, That, upon the request of the protestant, any protest filed in accordance with subsection (a) of this section, after September 1, 1944, shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the Office of Price Administration designated by the Administrator in accordance with regulations to be promulgated by him. The Administrator shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the Price Administrator. The protestant shall be informed of the recommendations of the board and, in the event that the Administrator rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection.*

(d) Any protest filed under this section shall be granted or denied by the Administrator, or granted in part and the remainder of it denied, within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the Administrator in disposing of his protest may petition the Emergency Court of Appeals, created pursuant to section 240, for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to dispose of such protest within such time as may be fixed by the court. If the Administrator does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period.

REVIEW

SEC. 204. (a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the Administrator, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the Administrator has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation, order, or price schedule, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided*, That the regulation, order, or price schedule may be modified or rescinded by the Administrator at any time notwithstanding the pendency of such complaint. No objection to such regulation, order, or price schedule, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the Administrator and not admitted, or which could not reasonably have been offered to the Administrator or included by the Administrator in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the Administrator. The Administrator shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation, order, or price schedule as a result thereof; except that on request by the Administrator, any such evidence shall be presented directly to the court.

(b) No such regulation, order, or price schedule shall be enjoined or set aside, in whole or in part, unless the complainant establishes to the satisfaction of the court that the regulation, order, or price schedule is not in accordance with law, or is arbitrary or capricious. The effectiveness of a judgment of the court enjoining or setting aside, in whole or in part, any such regulation, order, or price schedule shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (d) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the case by the Supreme Court.

(c) There is hereby created a court of the United States to be known as the Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this Act; except that the court shall not have power to issue any temporary restraining order or interlocutory decree staying or restraining, in whole or in part, the effectiveness of any regulation or order issued under section 2 or any price schedule effective in accordance with the provisions of section 206. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this Act. The court may fix and establish a table of costs and fees to be approved by the Supreme Court of the United States, but the costs and fees so fixed shall not exceed with respect to any item the costs and fees charged in the Supreme Court of the United States. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(d) Within thirty days after entry of a judgment or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a circuit court of appeals as provided in section 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 347). The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court, upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any regulation or order issued under section 2, of any price schedule effective in accordance with the provisions of section 206, and of any provision of any such regulation, order, or price schedule. Except as provided in this section, no court—Federal, State, or Territorial—shall have jurisdiction or power to consider the validity of any such regulation, order, or price schedule, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this Act authorizing the issuance of such regulations or orders, or making effective any such price schedule, or any provision of any such regulation, order, or price schedule, or to restrain or enjoin the enforcement of any such provision.

(e) (1) At any time prior to or within five days after judgment in any proceeding brought pursuant to section 205 involving alleged violation of any provision of any regulation or order issued under section 2 or of any price schedule effective in accordance with the provisions of section 206, the defendant may apply to the court in which the proceeding is pending for leave to file in the Emergency Court of Appeals a complaint against the Administrator setting forth objections to the validity of any provision which the defendant is alleged to have violated. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with section 203 (a). Upon the filing of a complaint pursuant to and within thirty days from the granting of such leave, the Emergency Court of Appeals shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation, order, or price schedule complained of or to dismiss the complaint. The court may authorize the introduction of evidence, either to the Administrator or directly to the court, in accordance with sub-

section (a) of this section. The provisions of subsections (b), (c), and (d) of this section shall be applicable with respect to any proceeding instituted in accordance with this subsection.

(2) In any proceeding brought pursuant to section 205 involving an alleged violation of any provision of any such regulation, order or price schedule, the court shall stay the proceeding—

(i) during the period within which a complaint may be filed in the Emergency Court of Appeals pursuant to leave granted under paragraph (1) of this subsection with respect to such provision;

(ii) during the pendency of any protest properly filed by the defendant under section 203 prior to the institution of the proceeding under section 205, setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

(iii) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under paragraph (1) of this subsection with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto. Notwithstanding the provisions of this paragraph, in the case of a proceeding under section 205 (a) the court granting a stay under this paragraph may issue a temporary injunction or restraining order enjoining or restraining, during the period of the stay, violations by the defendant of the provision of the regulation, order, or price schedule involved. If any provision of a regulation, order, or price schedule is determined to be invalid by judgment of the Emergency Court of Appeals which has become effective in accordance with section 204 (b), any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subsection, the pendency of any protest under section 203, or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section 205.

ENFORCEMENT

SEC. 205. (a) Whenever in the judgment of the Administrator any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 4 of this Act, he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Administrator that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(b) Any person who willfully violates any provision of section 4 of this Act, and any person who makes any statement or entry false in any material respect in any document or report required to be kept or filed under section 2 or section 202, shall, upon conviction thereof, be subject to a fine of not more than $5,000, or to imprisonment for not more than two years in the case of a violation of section 4 (c) and for not more than one year in all other cases, or to both such fine and imprisonment. Whenever the Administrator has reason to believe that any person is liable to punishment under this subsection, he may certify the facts to the Attorney General, who may, in his discretion, cause appropriate proceedings to be brought.

(c) The district courts shall have jurisdiction of criminal proceedings for violations of section 4 of this Act, and concurrently with State and Territorial courts, of all other proceedings under section 205 of this Act. Such criminal proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred. Except as provided in section 205 (f) (2), such other proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred, and may also be brought in the district in which the defendant resides or transacts business, and process in such cases may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found. Any such court shall advance on the docket and expedite the disposition of any criminal or other proceedings brought before it under this section. No costs shall be assessed against the Administrator or the United States Government in any proceeding under this Act.

(d) No person shall be held liable for damages or penalties in any Federal, State, or Territorial court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this Act or any regulation, order, price schedule, requirement, or agreement thereunder, or under any price schedule of the Administrator of the Office of Price Administration or of the Administrator of the Office of Price Administration and Civilian Supply, notwithstanding that subsequently such provision, regulation, order, price schedule, requirement, or agreement may be modified, rescinded, or determined to be invalid. In any suit or action wherein a party relies for ground of relief or defense upon this Act or any regulation, order, price schedule, requirement, or agreement thereunder, the court having jurisdiction of such suit or action shall certify such fact to the Administrator. The Administrator may intervene in any such suit or action.

(e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business [may] *may, within one year from the date of the occurrence of the violation except as hereinafter provided,* bring an action [either for $50 or for treble the amount by which the consideration exceeded the applicable maximum price, whichever is the greater, plus reasonable attorney's fees and costs as determined by the court] *against the seller on account of the overcharge. In such action, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (1) Such amount not less than one and one-half times and not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) $50.* For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be; *and the word "overcharge" shall mean the amount by which the consideration exceeds the applicable maximum price.* If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, and the buyer [is not entitled to bring suit or action under this subsection, the Administrator may bring such action under this subsection on behalf of the United States] *either fails to institute an action under this subsection within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the Administrator may institute such action on behalf of the United States within such one year period. If such action is instituted by the Administrator, the buyer shall thereafter be barred from bringing an action for the same violation or violations.* [Any suit or action under this subsection may be brought in any court of competent jurisdiction, and shall be instituted within one year after delivery is completed or rent is paid.] *Any action under this subsection by either the buyer or the Administrator, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages under this subsection shall be a bar to the recovery under this subsection of any damages in any other action against the same seller on account of sales made to the same purchaser prior to the institution of the action in which such judgment was rendered.* [The provisions of this subsection shall not take effect until after the expiration of six months from the date of enactment of this act.]

(f) (1) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act and to assure compliance with and provide for the effective enforcement of any regulation or order issued or which may be issued under section 2, or of any price schedule effective in accordance with the provisions of section 206, he may by regulation or order issue to or require of any person or persons subject to any regulation or order issued under section 2, or subject to any such price schedule, a license as a condition of selling any commodity or commodities with respect to which such regulation, order, or price schedule is applicable. It shall not be necessary for the Administrator to issue a separate license for each commodity or for each regulation, order, or price schedule with respect to which a license is required. No such license shall contain any provision which could not be prescribed by regulation, order, or requirement under section 2 or section 202: *Provided,* That no such license may be required as a condition of selling or distributing (except as waste or scrap) newspapers, periodicals, books, or other printed or written material, or motion pictures, or as a condition of selling radio time: *Provided further,* That no license may be required of any farmer as a condition of selling any agricultural commodity produced by him, and no license may be required of any fisherman as a condition of selling any fishery commodity caught or taken by him: *Provided further,* That in any case in which such a license is required of any person, the Administrator shall not have power to deny to such person a license to sell any commodity or commodities, unless such person already has such a license to sell such commodity or commodities, or unless there is in effect under paragraph (2) of this subsection with respect to such person an order of suspension of a previous license to the extent that such previous license authorized such person to sell such commodity or commodities.

(2) Whenever in the judgment of the Administrator a person has violated any of the provisions of a license issued under this subsection, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b), or any of the provisions of any price schedule effective in accordance with the provisions of section 206, which is applicable to such person, a warning notice shall be sent by registered mail to such person. If the Administrator has reason to believe that such person has again violated any of the provisions of such license, regulation, order, price schedule, or requirement after receipt of such warning notice, the Administrator may petition any State or Territorial court of competent jurisdiction, or a district court subject to the limitations hereinafter provided, for an order suspending the license of such person for any period of not more than twelve months. If any such court finds that such person has violated any of the provisions of such license, regulation, order, price schedule, or requirement after the receipt of the warning notice, such court shall issue an order suspending the license to the extent that it authorizes such person to sell the commodity

or commodities in connection with which the violation occurred, or to the extent that it authorizes such person to sell any commodity or commodities with respect to which a regulation or order issued under section 2, or a price schedule effective in accordance with the provisions of section 206, is applicable; but no such suspension shall be for a period of more than twelve months. For the purposes of this subsection, any such proceedings for the suspension of a license may be brought in a district court if the licensee is doing business in more than one State, or if his gross sales exceed $100,000 per annum. Within thirty days after the entry of the judgment or order of any court either suspending a license, or dismissing or denying in whole or in part the Administrator's petition for suspension, an appeal may be taken from such judgment or order in like manner as an appeal may be taken in other cases from a judgment or order of a State, Territorial, or district court, as the case may be. Upon good cause shown, any such order of suspension may be stayed by the appropriate court or any judge thereof in accordance with the applicable practice; and upon written stipulation of the parties to the proceeding for suspension, approved by the trial court, any such order of suspension may be modified, and the license which has been suspended may be restored, upon such terms and conditions as such court shall find reasonable. Any such order of suspension shall be affirmed by the appropriate appellate court if, under the applicable rules of law, the evidence in the record supports a finding that there has been a violation of any provision of such license, regulation, order, price schedule, or requirement after receipt of such warning notice. No proceedings for suspension of a license, and no such suspension, shall confer any immunity from any other provision of this Act.

SAVING PROVISIONS

SEC. 206. Any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to the date upon which the Administrator provided for by section 201 of this Act takes office, shall, from such date, have the same effect as if issued under section 2 of this Act until such price schedule is superseded by action taken pursuant to such section 2. Such price schedules shall be consistent with the standards contained in section 2 and the limitations contained in section 3 of this Act, and shall be subject to protest and review as provided in section 203 and section 204 of this Act. All such price schedules shall be reprinted in the Federal Register within ten days after the date upon which such Administrator takes office.

TITLE III—MISCELLANEOUS

QUARTERLY REPORT

SEC. 301. The Administrator from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under this Act. If the Senate or the House of Representatives is not in session, such reports shall be transmitted to the Secretary of the Senate, or the Clerk of the House of Representatives, as the case may be.

DEFINITIONS

SEC. 302. As used in this Act—

(a) The term "sale" includes sales, dispositions, exchanges, leases, and other transfers, and contracts and offers to do any of the foregoing. The terms "sell", "selling", "seller", "buy", and "buyer" shall be construed accordingly.

(b) The term "prices" means the consideration demanded or received in connection with the sale of a commodity.

(c) The term "commodity" means commodities, articles, products, and materials (except materials furnished for publication by any press association or feature service, books, magazines, motion pictures, periodicals, and newspapers other than as waste or scrap), and it also includes services rendered otherwise than as an employee in connection with the processing, distribution, storage, installation, repair, or negotiation of purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity: *Provided*, That nothing in this Act shall be construed to authorize the regulation of (1) compensation paid by an employer to any of his employees, or (2) rates charged by any common carrier or other public utility, or (3) rates charged by any person engaged in the business of selling or underwriting insurance, or (4) rates charged by any person engaged in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio broadcasting station, a motion-picture or other theater enterprise, or outdoor advertising facilities, or (5) rates charged for any professional services.

(d) The term "defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of this Act.

(e) The term "defense-area housing accommodations" means housing accommodations within any defense-rental area.

(f) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(g) The term "rent" means the consideration demanded or received in connection with the use or occupancy or the transfer of a lease of any housing accommodations.

(h) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Act shall apply to the United States, or to any such government, political subdivision, or agency.

(i) The term "maximum price," as applied to prices of commodities means the maximum lawful price for such commodities, and the term "maximum rent" means the maximum lawful rent for the use of defense-area housing accommodations. Maximum prices and maximum rents may be formulated, as the case may be, in terms of prices, rents, margins, commissions, fees, and other charges, and allowances.

(j) The term "documents" includes records, books, accounts, correspondence, memoranda, and other documents, and drafts, and copies of any of the foregoing.

(k) The term "district court" means any district court of the United States, and the United States Court for any Territory or other place subject to the jurisdiction of the United States; and the term "circuit courts of appeals" includes the United States Court of Appeals for the District of Columbia.

SEPARABILITY

SEC. 303. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

APPROPRIATIONS AUTHORIZED

SEC. 304. There are authorized to be appropriated such sums as may be necessary or proper to carry out the provisions and purposes of this Act.

APPLICATION OF EXISTING LAW

SEC. 305. No provision of law in force on the date of enactment of this Act shall be construed to authorize any action inconsistent with the provisions and purposes of this Act.

SHORT TITLE

SEC. 306. This Act may be cited as the "Emergency Price Control Act of 1942."

Approved, January 30, 1942.

[Public Law 729, 77th Cong., ch. 578, 2d sess.]

H. R. 7565

AN ACT to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in the effective prosecution of the war, the President is authorized and directed, on or before November 1, 1942, to issue a general order stabilizing prices, wages, and salaries, affecting the cost of living; and, except as otherwise provided in this Act, such stabilization shall so far as practicable be on the basis of the levels which existed on September 15, 1942. The President [may] *shall*, except as otherwise provided in this Act, thereafter provide for making adjustments with respect to prices, wages, and salaries, to the extent that he finds necessary to aid in the effective prosecution of the war or to correct gross inequities: *Provided*, That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days notice to the President, or such agency as he may designate, and consents to the timely intervention by such agency before the Federal, State, or municipal authority having jurisdiction to consider such increase.

SEC. 2. The President may, from time to time, promulgate such regulations as may be necessary and proper to carry out any of the provisions of this Act; and may exercise any power or authority conferred upon him by this Act through such department, agency, or officer as he shall direct. The President may suspend the provisions of sections 3 (a) and 3 (c), and clause (1) of section 302 (c), of the Emergency Price Control Act of 1942 to the extent that such sections are inconsistent with the provisions of this Act, but he may not under the authority of this Act suspend any other law or part thereof.

SEC. 3. No maximum price shall be established or maintained for any agricultural commodity under authority of this Act or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture—

(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials) or, in case a comparable price has been determined for such commodity under and in accordance with the provisions of section 3 (b) of the Emergency Price Control Act of 1942, such comparable price (adjusted in the same manner), or

(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials), or, if the

market for such commodity was inactive during the latter half of such period, a price for the commodity determined by the Secretary of Agriculture to be in line with the prices, during such period, of other agricultural commodities produced for the same general use; and no maximum price shall be established or maintained under authority of this Act or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2) of this section: *Provided,* That the President [may] *shall,* without regard to the limitation contained in clause (2), adjust any such maximum price to the extent that he finds necessary to correct gross inequities; but nothing in this section shall be construed to permit the establishment in any case of a maximum price below a price which will reflect to the producers of any agricultural commodity the price therefor specified in clause (1) of this section: *Provided further,* That modifications shall be made in maximum prices established for any agricultural commodity and for commodities processed or manufactured in whole or substantial part from any agricultural commodity under regulations to be prescribed by the President, in any case where it appears that such modification is necessary to increase the production of such commodity for war purposes, or where by reason of increased labor or other costs to the producers of such agricultural commodity incurred since January 1, 1941, the maximum prices so established will not reflect such increased costs: *Provided further,* That in the fixing of maximum prices on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing: *Provided further,* That in fixing price maximums for agricutural commodities and for commodities processed or manufactured in whole or substantial part from any agricultural commodity as provided for by this Act, adequate weighting shall be given to farm labor.

SEC. 4. No action shall be taken under authority of this Act with respect to wages or salaries, (1) which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the National Labor Relations Act, or (2) for the purpose of reducing wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942.

In any dispute between employees and carriers subject to the Railway Labor Act, as amended, as to changes affecting wage or salary payments, the procedures of such Act shall be followed for the purpose of bringing about a settlement of such dispute. Any agency provided for by such Act, as a prerequisite to effecting or recommending a settlement of any such dispute, shall make a specific finding and certification that the changes proposed by such settlement or recommended settlement are consistent with such standards as may be then in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies. Where such finding and certification are made by such agency, they shall be conclusive, and it shall be lawful for the employees and carriers, by agreement, to put into effect the changes proposed by the settlement or recommended settlement with respect to which such finding and certification were made.

SEC. 5. (a) No employer shall pay, and no employee shall receive, wages or salaries in contravention of the regulations promulgated by the President under this Act. The President shall also prescribe the extent to which any wage or salary payment made in contravention of such regulations shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation.

(b) Nothing in this Act shall be construed to prevent the reduction by any private employer of the salary of any of his employees which is at the rate of $5,000 or more per annum.

(c) The President shall have power by regulation to limit or prohibit the payment of double time except when, because of emergency conditions, an employee is required to work for seven consecutive days in any regularly scheduled workweek.

SEC. 6. The provisions of this Act (except sections 8 and 9), and all regulations thereunder, shall terminate on [June 30, 1944] *June 30, 1945,* or on such earlier date as the Congress by concurrent resolution, or the President by proclamation, may prescribe.

SEC. 7. (a) Section 1 (b) of the Emergency Price Control Act of 1942 is hereby amended by striking out "June 30, 1943" and substituting "June 30, 1944".

(b) All provisions (including prohibitions and penalties) of the Emergency Price Control Act of 1942 which are applicable with respect to orders or regulations under such Act shall, insofar as they are not inconsistent with the provisions of this Act, be applicable in the same manner and for the same purposes with respect to regulations or orders issued by the Price Administrator in the exercise of any functions which may be delegated to him under authority of this Act.

(c) Nothing in this Act shall be construed to invalidate any provision of the Emergency Price Control Act of 1942 (except to the extent that such provisions are suspended under authority of section 2), or to invalidate any regulation, price schedule, or order issued or effective under such Act.

SEC. 8. (a) The Commodity Credit Corporation is authorized and directed to make available upon any crop of the commodities cotton, corn, wheat, rice, tobacco and peanuts harvested after December 31, 1941, and before the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, if producers have not disapproved marketing quotas for such commodity for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(1) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 90 per centum of the parity price for the commodity as of the beginning of the marketing year;

(2) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (1) above;

(3) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (1) above and only on so much of the commodity as would be subject to penalty if marketed.

(b) All provisions of law applicable with respect to loans under the Agricultural Adjustment Act of 1938, as amended, shall, insofar as they are not inconsistent with the provisions of this section, be applicable with respect to loans made under this section.

(c) In the case of any commodity with respect to which loans may be made at the rate provided in paragraph (1) of subsection (a), the President may fix the loan rate at any rate not less than the loan rate otherwise provided by law if he determines that the loan rate so fixed is necessary to prevent an increase in the cost of feed for livestock and poultry and to aid in the effective prosecution of the war.

SEC. 9. (a) Section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation, and for other purposes," approved July 1, 1941 (U. S. C., 1940 edition, Supp. I, title 15, sec. 713a-8), is amended—

(1) By inserting after the words "so as to support" a comma and the following: "during the continuance of the present war and until the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated,".

(2) By striking out "85 per centum" and inserting in lieu thereof "90 per centum".

(3) By inserting after the word "tobacco" a comma and the word "peanuts".

(b) The amendments made by this section shall, irrespective of whether or not there is any further public announcement under such section 4 (a), be applicable with respect to any commodity with respect to which a public announcement has heretofore been made under such section 4 (a).

SEC. 10. When used in this Act, the terms "wages" and "salaries" shall include additional compensation, on an annual or other basis, paid to employees by their employers for personal services (excluding insurance and pension benefits in a reasonable amount to be determined by the President); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such aditional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees.

SEC. 11. Any individual, corporation, partnership, or association willfully violating any provision of this Act, or of any regulation promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

SEC. 12. The Committee on Banking and Currency of the Senate and the Committee on Banking and Currency of the House of Representatives, respectively, are authorized to conduct investigations as to the effectiveness of the stabilization activities carried on pursuant to this Act, the Emergency Price Control Act of 1942, or otherwise, and as to the effect of such activities upon industry, production, renting and housing, and distribution. For such purposes, either such committee, acting as a whole or by subcommittee, may sit and act at such times, whether or not the Senate or House is sitting, has recessed, or has adjourned, hold such hearings, require by subpena, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, and take such testimony, as it deems necessary. Subpena may be issued under the signature of the chairman of either such committee or of any member designated by him, and may be served by any person designated by such chairman or member. Such committees, respectively, shall report from time to time to the Senate and House of Representatives the results of such investigations, together with such recommendations as such committees deem advisable.

SEC. 13. This Act may be cited as the "Stabilization Act of 1942".

Mr. WOLCOTT. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. ROLPH].

Mr. ROLPH. Mr. Chairman, quoting from my remarks in this Chamber to November 25, 1941, and referring to the committee vote which originally brought price control to the floor of the House, I said:

The vote of 18 to 5 shows that this legislation is by no stretch of the imagination a partisan measure.

In voting the present extension, our committee cast not one negative vote. Price control continues to be anything but a partisan measure.

Price control is a success. Critics of O. P. A. do not find fault with the law. They complain about the way it is being administered.

On November 25, 1941, I made this further statement:

We need planes, tanks, ships, and munitions of all sorts for national defense. That is the thought underlying price-control legislation.

How well we planned is set forth by the Office of Price Administration itself on page 87 of the Bureau's brochure entitled "Renewal of the Price Control Act." Several Members have referred to this sixty-five billion, and I just want to quote exactly from the O. P. A. records:

One hundred and thirty-six billion dollars was the cost to the taxpayers up to January 1, 1944, of fighting World War No. 2. We have seen the record of comparative prices of the two wars. We know that the cost of World War No. 1 was increased 72 percent by unnecessary price rises. We have seen on previous charts six comparisons showing the far greater inflationary pressures of World War No. 2. If prices of war materials had increased to the same degree as during World War No. 1, $65,000,000,000 extra would have been already added to the cost of the present war. Whether the actual figure would have been more or less than that huge sum is anybody's guess.

Congress takes just pride in the record. But our efforts would have been in vain unless the people themselves had backed us up. When originally voting for price control we knew full well this form of regimentation had no chance of success without almost unanimous public approval. People responded wholeheartedly.

Witnesses by the score appeared before our committee. It would seem that every comma, every phrase, every word in the law had been gone over with a fine-tooth comb. Representatives from the country over were given an opportunity of setting forth their ideas and opinions. In hundreds of cases where individuals or groups were unable to present their views in person they sent resolutions, wires, letters, or releases. All desire price control to be continued.

When I was home a short while ago, I heard only one man ask that the law be repealed. While almost everyone has his or her individual idea as to how O. P. A. should be run, it is evident we cannot write a bill satisfactory to each individual.

Other Members will talk to you about various items, procedures, and practices. Rent control is the subject I will discuss. What I am working for is fair treatment to tenant and owner alike.

In San Francisco rents were frozen on March 1, 1942. My city was one of the first places declared a defense area. Many owners rented their property at subnormal rents during the depression, for two reasons: First, because property deteriorates very rapidly unless it is occupied, and, secondly, to give those people whose incomes had declined so greatly in the depression an opportunity to get suitable living accommodations. In many instances the tenants themselves, whose incomes have increased greatly, would be glad to pay increased rents, but under the O. P. A. regulations they are prevented from doing so.

In order to clear up this situation, and so as to make the law satisfactory to all parties concerned and to be fair to landlord and tenant, I introduced an amendment which would take care of 80 percent of the complaints against rent control. I would like to read that amendment at this time:

Amend section 2 (b) by adding at the end thereof the following:

"The Administrator shall within 60 days after the effective date of this act amend the rent regulations to provide that the area rent directors of each defense-rental area heretofore or hereafter designated by the Administrator shall make individual adjustments in cases within their areas where injustices are being done or will be done to either owner or occupant, including cases where:

"(a) There have been since the maximum rent date a substantial rise in property taxes or net operating costs, or

"(b) The rent on the maximum rent date for any housing accommodation is, due to peculiar circumstance, substantially higher or lower than the rents generally prevailing in the defense-rental area for comparable housing accommodations, or

"(c) Petition is made for determination of a maximum rent prior to renting of housing accommodations first rented after the maximum rent date, or

"(d) In a multiple-unit premises or project the rent for any unit of housing accommodation is lower than the maximum rent generally prevailing for comparable housing accommodations in the same premises or project on the maximum rent date, or

"(e) The rent is less than the total cost of operating the housing accommodations and is lower than the rent generally prevailing for comparable housing accommodations on the maximum rent date."

Mr. Chairman, informed parties tell me that almost 90 percent of rent complaints cover items ranging from $2.50 to $10.

The amendment just read was defeated by a single vote in the committee. However, the following amendment was adopted unanimously:

Insert after the first sentence in section 2 (c) the following sentence:

"The Administrator shall provide for individual adjustments in those classes of cases where the rent on the maximum rent date for any housing accommodations is, due to peculiar circumstances, substantially higher or lower than the rents generally prevailing in the defense-rental area for comparable housing accommodations."

I sincerely hope that this amendment will be of help.

Now about the racket which has arisen in connection with the provisions of the act which makes it mandatory in civil actions for the court to impose a fine of $50 or three times the amount of the overcharge, whichever is greater, in each instance where there has been an overcharge. I quote in part from a letter received from San Francisco on this point:

As you can well understand, there are many instances where disputes may arise and where the landlord may be acting in good faith, such as, for instance, where the original rental was fixed for one-family unit and afterward additional tenants, or two or more family units, move in to take possession, or where extra facilities are provided, such as refrigeration or new or additional equipment. In such case the tenant may agree to pay a slight increase in rental, but at the end of a year may sue the landlord to obtain a judgment based upon 12 or more alleged violations of the act over a period of 12 months, on the basis of $50 for every alleged violation.

A case was reported here of an elderly woman who had been renting a small flat to a man for $12.50 a month. New tenants moved in and the rent was fixed at $13.50 per month. At the end of a year the tenants brought suit, claiming 12 violations of the act, and the court awarded the tenants $50 judgment for each violation, a total of $600, plus $75 attorney fees, and also an additional amount for costs of court, all upon alleged overcharge of $12.

In this connection I now quote from a San Francisco paper:

In passing on the suits Judge Cronin said: "If these awards seem harsh in view of the amount of the overcharges, it must be borne in mind that as judge of this court there is nothing I can do about it. The plain purpose of the provisions of the Emergency Price Control Act is to prevent the evils of inflation, and for that purpose to enlist the help of consumers in discouraging violations. Granting these awards are mandatory upon the courts and in these cases no judicial discretion whatever is allowed. The award must be either $50 or three times the amount of the particular overcharge in each instance, whichever, according to the terms of the law, is the greater.

"The statute is so strict that good faith and innocent nonconformity with its provisions, even though coupled with a willingness and a desire to make restitution for the overcharge, cannot be considered by the courts as a defense.

"In none of these cases do I necessarily find the defendants guilty of bad faith or deliberate intentions to violate the law, but from the evidence adduced, as a matter of simple mathematics, I am compelled to find their charges were greater than those allowed by O. P. A. regulations and price ceilings, and hence judgments must be rendered as indicated."

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. ROLPH. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. I take this occasion to compliment the gentleman from California on the diligent fight he made in the committee to eliminate this form of racketeering, and also to say that the improvements in the hardship provisions in the rental portion of the price-control bill were largely due to his persistence in this matter.

Mr. ROLPH. I thank the gentleman very sincerely. May I say that it was also with the help of the distinguished gentleman from Oklahoma that the committee has rectified this situation.

Section 205, subsection (e), of the committee bill corrects this situation so that the amount which the court may allow in the rent case referred to is either $18 or $50, plus a reasonable attorney's fee. This should effectively put a stop to the unfortunate practice which has arisen.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ROLPH. I yield to the gentleman from New York.

Mr. DICKSTEIN. The amendment to which the gentleman referred cures a situation which, it seems to me, placed an unusual hardship upon the property owner. I think the gentleman is making out a strong case.

Mr. ROLPH. It was a committee amendment. The entire committee was unanimous.

Mr. DICKSTEIN. Will this committee amendment cure this particular evil?

Mr. ROLPH. Definitely; yes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. ROLPH. I yield to the gentleman from Arizona.

Mr. MURDOCK. The gentleman from New York has asked the question I intended to ask. Does the gentleman feel positive now that the committee amendment will take care of such hardship cases?

Mr. ROLPH. Yes, definitely; the bill that has been reported out will take care of these hardship cases and put a stop to racketeering.

Mr. MURDOCK. I, too, congratulate the gentleman from California on this move.

Mr. ROLPH. I thank the gentleman very much.

Mr. GAMBLE. Mr. Chairman, will the gentleman yield?

Mr. ROLPH. I yield to the gentleman from New York.

Mr. GAMBLE. I think the real-estate operators are very much pleased with this provision themselves. I believe it will be of considerable benefit all the way along the line. Has not the gentleman been told that in the last few days?

Mr. ROLPH. Yes. I thank the gentleman for bringing that up. I am quite sure the real-estate people throughout the country will be very pleased with this amendment, because it cures the purest kind of a racket, a practice which Congress never intended to allow to develop.

Mr. GAMBLE. It by no means weakens the present act; that is what we were trying to avoid.

Mr. ROLPH. By no means; it strengthens it. As I said before, what we desire is legislation fair to both tenant and owner alike.

Mr. BROWN of Georgia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4941) to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H. R. 3236. An act to provide aid to dependent children in the District of Columbia; and

H. J. Res. 242. Joint resolution to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes," approved September 19, 1918, as amended.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate numbered 21 to the foregoing bill.

The message also announced that the Senate further insists upon its amendments numbered 10, 12, and 13, disagreed to by the House of Representatives, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCARRAN, Mr. MCKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. CONNALLY, Mr. WHITE, and Mr. REED to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolutin (S. J. Res. 133) entitled "Joint resolution to extend the time limit for immunity."

EXTENSION OF REMARKS

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain excerpts from certain hearings.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GAMBLE. Mr. Speaker, on behalf of my colleague the gentlewoman from New York [Miss STANLEY], I ask unanimous consent to print in the Appendix of the RECORD a poem entitled "Good Luck, Soldier," written by William Rose Benét.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MORRISON of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an article by Mr. Tom Linder of Georgia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MORRISON of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a report on C. A. A.-W. T. S. training.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITE. Mr. Speaker, I ask unanimous consent that I may have permission to revise and extend my remarks in the RECORD and include certain excerpts and communications.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise the remarks I made today and include therein in connection therewith a copy of the bill as presented by the Committee on Banking and Currency to extend the Price Control and Stabilization Acts, and to show in italic in some suitable and appropriate manner the changes that have been made or proposed by the committee in existing law; and a further unanimous-consent request to extend my remarks and to include a statement by a large wholesale grocery concern, over 100 years old, which shows comparative prices during the First World War and the Second World War, to make such comparison appear in parallel columns.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to withhold two parts of my speech which I do not want to put in the RECORD tonight, but put in the Appendix later as part of my address.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JACKSON HOLE MONUMENT

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include therein a petition in regard to the Jackson Hole National Monument.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I want to make a short statement about the Jackson Hole National Monument in Wyoming, which has been a subject of Nation-wide discussion and, I regret, a matter of much misunderstanding.

After Jackson Hole National Monument was established last year by the President, the gentleman from Wyoming [Mr. BARRETT] introduced a bill H. R. 2241, to abolish the monument. Since Mr. BARRETT'S bill concerns the public lands, it was referred to my committee, where it has been thoroughly and exhaustively studied. At the conclusion of extensive hearings here in Washington, I went out to Wyoming to see this famous area myself, to study its problems on the ground, and to get first-hand information. As a result of that study, I have reached the following conclusions:

In the creation of Jackson Hole National Monument, there was no departure from established precedent.

Congress, in 1906, authorized the President to establish national monuments. Every President since that time, regardless of party, has established national monuments under this authority granted

by Congress. A total of 82 such national monuments have been created under this authority to date. Many of them are smaller and many of them are larger than the Jackson Hole Monument area.

No State's rights were disturbed by the creation of this monument.

The proclamation setting up the area refers only to the Federal lands within the described boundaries, and more than 92 percent of the area included within the monument boundaries is either Federal land or land bought with the knowledge and consent of the people of Wyoming to be donated to the Federal Government.

State lands inside the monument boundaries amounts to 1,367 acres, or only sixty-one one-hundredths of 1 percent of the monument area, and that land still belongs to the State. Moreover, the State's jurisdiction over the lands in the monument is exactly the same today as it was before the monument was established. The State has lost nothing.

No individual rights have been lost by the creation of the monument, either.

The monument was created subject to all valid existing rights. Any rancher, or anybody else, who had rights in the area before the monument was created has those same rights today. Contrary to the impression that has gained wide acceptance, nobody's private lands, homes, permits, or other rights have been damaged or threatened in any manner whatsoever.

Shortly after the monument was reserved, the Secretary of the Interior issued a most reassuring and forthright policy statement governing the administration of these Federal lands. In this statement he said, and I quote:

> In fact, all permits issued by the Forest Service or other Federal agencies for use of lands now within the national monument will be honored by the National Park Service during the lifetime of the present holders, and the members of their immediate family. This includes existing grazing privileges on monument lands and stock driveway privileges. Cattlemen desiring in the spring and fall to drive their cattle across the monument lands between their respective ranches and the summer ranges on national forest or other lands will be permitted to do so.

The establishment of Jackson Hole National Monument is no detriment to Teton County, in which the area is situated.

Private property in the monument is still subject to taxation. In this connection it is interesting to note that the State of Wyoming collected more than $150,000 in taxes from Yellowstone National Park in 1941. That shows that tourists pay.

When the private lands which have been purchased in Jackson Hole National Monument to donate to the Government are accepted by the Government, Teton County will suffer a temporary loss of about $10,000 annually. That situation should be rectified and it is up to Congress to rectify it. There is now pending a bill—Senate 380—introduced by Senator HAYDEN to authorize the payment of a reasonable portion of national park tourist fees to the counties in which the parks are situated, and I am introducing a similar bill. Both the President and the Secretary of the Interior have indicated their support of some such measure to compensate Teton County.

Obviously, the way to deal with that problem is for Congress to authorize the necessary payments. Abolition of the monument would solve nothing and would be purely negative.

When I went to Wyoming, I also found that there was not unanimous opposition to this monument. I found that there is an honest difference of opinion concerning it. As an example of what I found, I want to introduce herewith into the RECORD a letter signed by eight influential businessmen in the town of Jackson, which I received too late to include in the printed hearings, urging that the monument not be abolished. I also wish to include a petition signed by numerous people in Jackson Hole, and handed to me when I was there, supporting the monument, and a letter which indicated plainly that many other people in Jackson Hole would support the monument openly if they dared.

These petitions are as follows:

JACKSON, WYO., *August 16, 1943.*

Hon. J. HARDIN PETERSON,
Chairman, Public Lands Committee of the House of Representatives.

DEAR SIR: We would like to bring before your committee our vigorous objection to Congressman BARRETT'S bill to set aside the President's proclamation creating the Jackson Hole National Monument. We are all now, and have been for many years past, residents of Jackson Hole. We have seen Jackson Hole grow in the last 15 years from a small cattle town to the thriving community with its many activities as you see it today. We believe that growth has been due entirely to its attraction as a recreational area which people all over the country are beginning to hear about through the National Park Service. We believe that the influx of tourist travel has just begun and that after the war it will greatly increase.

If Jackson Hole is not protected by being in a national park area, these crowds of visitors and those trying to make money from them, will, in short order, spoil the country. This they were beginning to do when Jenny and Leigh Lakes and the Teton Peaks were protected by the creation of Grand Teton National Park and Mr. Rockefeller bought up most of the privately owned lands in the north part of the valley. On the other hand, we believe that this area, protected by a national park, administered in accordance with the peculiar character of this country (which is quite different from Yellowstone) can take care of all of the tourist travel that will come here and will greatly increase the prosperity of this valley and the businesses in the town of Jackson.

On the faith of this belief, we have made heavy financial investments in the town of Jackson to which we are now committed as they are in the shape of buildings and equipment which are permanently there. We made that investment in the belief that this area would become a part of the national park system, protected and developed as such. If we had not believed that, we would not have invested our money here as we have.

We earnestly urge you not to undo the Jackson Hole National Monument, but, if it needs bettering in any way, that you strengthen and perfect it by legislation.

Our businesses and our investments in Jackson are written after our signatures.

Respectfully yours,

W. L. Spicer, garage and property, $45,000; Ben F. Goe, saloon and property, $70,000; Wort Bros., John & Jess Hotel and other real estate, $200,000; H. C. Richards, Ideal Lodge, $80,000; R. T. Black, Black's Lodge, $45,000; John James, James' Cabins, $45,000; Jack Moore, Moore's Cafe, $40,000; A. Martin, laundry, $20,000.

JACKSON, WYO., *August 1943.*

To the House of Representatives, Committee on the Public Lands, Hon. J. Hardin Peterson, Chairman:

INVESTIGATIONS IN CONNECTION WITH H. R. 2241

GENTLEMEN: We, the undersigned, are long-time residents of Jackson Hole, Wyo., and are actively engaged in business here. For the past 25 years or more there have been arguments and disputes about the future of this valley that have at times become so bitter as to wreck old friendships and entirely to lose sight of actualities and facts. The establishment of the Jackson Hole National Monument has caused these old feuds to flare up again, and we feel that so much misinformation is being given out in the heat of passion that we have concluded that some of us who have not been involved in these controversies should take it upon ourselves to bring before your committee the simple facts of the case as we see them. We have tried to separate the wheat from the chaff and these are our conclusions:

1. We believe that Jackson Hole is one of the finest outdoor recreational areas in the world and that it should be protected and developed as such.

2. We believe that the cattle business is an essential part of the industry of the valley and that it can and should continue along with the recreational activities. The cattle business is by the very nature of the country limited in its operations and the rights which the cattlemen have always had, to drive their cattle in the spring and fall across what is now a part of the National Monument, should be secured to them, their heirs and assigns, by national legislation and should not be left subject to change at the will of bureau chiefs. As private lands in the Monument pass to Government ownership, and the fences are taken down and the available area is thus enlarged, this right can, without detriment to other considerations, and should, become the right to drift and graze across the Monument to and from the summer range.

3. The wild game for which this region is famous, is the property of the State of Wyoming. There are many problems of management which should be left to the trained men of the State game department with whom the Wildlife Service of the Department of the Interior has always cooperated. We believe that the State of Wyoming should continue in the management of its game herds and in the control of its big-game hunting.

4. We all know that if Teton County is to continue its existence as a county (and we believe it should because of its geographical location) it must be provided with funds to compensate it for the loss of taxes on privately owned lands taken over by the Government within the Monument area. Both the President of the United States and the Secretary of the Interior have stated they would give their support to legislation to accomplish this.

5. The Jackson Hole country, its beautiful lakes and watersheds, have been in constant danger of exploitation in the past. The Presidential proclamation of 1918 and subsequent proclamations and the vigilance and

cooperation of our State officials have so far prevented such exploitation, but Federal legislation has long been needed to make permanent that protection.

6. While we would have preferred an act of Congress, setting aside the north end of Jackson Hole as a recreational area and incorporating in the act guaranties of protection for our country, the grazing rights of the cattlemen and all other existing valid claims, and private ownerships remaining in the area, nevertheless the Presidential proclamation of March 15, 1943, setting aside this section as the Jackson Hole National Monument, has provided the much-needed permanent protection so long required and should be allowed to stand unless and until more comprehensive legislation is enacted by the Congress of the United States.

7 It is our final conclusion that it is time for us to work constructively together and to put an end to quarreling, and we urge upon our congressional delegation that they transfer their efforts from the present Barrett bill to efforts for constructive legislation that will supplement the monument proclamation, by giving permanence and certainty to the foregoing rights which, although now guaranteed by the statements of officials of the Interior Department, should be placed beyond any possibility of doubt by legislative action.

We have asked those of our fellow citizens who agree with us in our conclusions to indicate their approval by signing this letter with us, and so that may more readily be done we have signed this letter in six originals.

W. Z. Spicer, R. T. Black, John Wort, W. J. Grant, Orin H. Seaton, Virgil W. Ward, J. Wallace Moulton.

We, as residents of Jackson Hole, in Teton County, Wyo., endorse our approval of the above letter:

James Budge; Del Brown; G. L. Wehville; Mrs. M. R. Yokel; Mrs. M. E. Ward; Elbert E. Davidson; Mrs. Julius Sensenbach; J. J. Goodrich; Mary A. Budge; R. C. Lundy, H. A. Curtis; Jesse D. Wilson; Edna E. Wilson; M. R. Yokel; Nephi Moulton; M. E. Moulton; Seth Johnson, Independent Oil Co.; L. Sager, ranch manager; Harry Hein; Jack F. Moore, Moore's Cafe; Ruby Spicer; Lucy Curtis; Jean Johnson; Helen Black; Laura B. Seebohm; Robert L. Price; W. H. Seebohm; Howard Erwin; Pauline Hein; John J. Nelsen; Mrs. John James; John Nelsen; Joe Pfeifer; Mae O. Kafferlin; F. J. Edmiston; R. D. Reimen; E. A. Seelemire; W. C. Miner; Wafie E. Robinson; K. M. Robinson; Ben F. Goe; Helen Seelemire; R. C. McQueen; Gertrude Bessette; Clover Sturlin; John James; V. M. Hess; Alice M. Giles; A. Martin; H. C. Richards; Eliza Richards; C. C. Scott; John S. Smith; Ivan Basye; Emil Bestuyville; Cuhl Clason Eneuy Jacobson; Frank P. Bessette; Dave Madsen; Frank Gosarson; Myron Seaton; Helen F. Seaton; W. H. Seelemire; Camilla L. Seelemire; Richard Winger; J. D. Flavin; Mrs. Mary Heninger; Walter D. Huyler, Bear Paw Ranch, Wilson, Wyo.; Margaret P. Huyler, Bear Paw Ranch, Wilson, Wyo.; Marta Winger, Jackson, Wyo.; G. F. Giles, Moran, Wyo.; W. L. Giles, Moran, Wyo.; Robert S. Turner, Moose, Wyo.; Struthers Burt, Moran, Wyo.; Katharine Newlin Burt, Moran, Wyo.; P. M. Browne, Moran, Wyo.; Aldea Perry Browne, Moran, Wyo.; Genevieve D. Turner, Moose, Wyo.; Mrs. Maxine Jacobson; Lester Jacobson; John C. Walker; Clarence F. Hervin; Jack Boyce; Edward L. Flygore; Fred A. Houchens; H. D. Thompson; A. H. Remington; H. G. Prutt; Paul W. Dial; Lyle Walker; A. E. Scheralacher.

ESTABLISHMENT OF FREE PORTS FOR POLITICAL AND RELIGIOUS REFUGEES

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. DICKSTEIN] is recognized for 30 minutes.

Mr. DICKSTEIN. Mr. Speaker, I rise today with a prayer in my heart that our invasion of the Hitler fortress will be successful and that we will destroy the menace of Hitlerism wherever it is found with the least possible casualties to our forces and the forces of our gallant allies.

Mr. Speaker, the civilized world is shocked and appalled by the program of murder and destruction planned by Hitler and his puppets for the helpless minorities that have lately fallen into their hands. In Hungary alone nearly a million lives are at stake. Men, women, and children, who are not guilty of any other crime but that of belonging to a people whom Hitler has sworn to drive from the face of this world, have been herded into concentration camps where they are awaiting their cruel fate.

Can we, citizens of a free Nation, who believe in the sanctity of human life, remain silent and inactive while the Nazi gangsters are continuing their vicious blood bath? No decent human being can feel safe and secure while innocent human beings are being slaughtered in any part of the world. Such a threat to the sanctity and dignity of human life is a threat to all humanity.

Because of that, Mr. Speaker, the President of the United States has created what is known as the Refugee Board for the sole purpose of saving as many human lives as possible.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. WHITE. I have always been interested in and have supported a plan to restore the Jewish people to their homeland in Palestine. The gentleman favors that program; does he?

Mr. DICKSTEIN. Yes.

Mr. WHITE. I have just taken a position on the matter in writing to one of the heads of the organization here in Washington for the resettlement of Palestine by Jewish people. I am heartily in support of that program.

Mr. DICKSTEIN. I thank the gentleman. At present the British white paper has closed Palestine to Jewish immigration. The British white paper has violated the guardianship of Palestine entrusted to Britain by the League of Nations. The British Government has failed to do what it agreed to do under the Balfour Declaration. I do know that there are millions of suffering people who are doomed to die unless the Allied Nations of the world do something to save them. Mr. Speaker, I have introduced a resolution, H. Res. 576, on which I hope to set a hearing shortly, for the purpose of calling upon the President of the United States to issue a proclamation or Executive order authorizing the temporary admission of a number of the so-called refugees who are physically and morally fit, who have committed no wrong or crime other than that they belong to a certain minority group in the world.

Once we establish free ports in this country, other Allied Nations will do the same thing. In that way I am certain that at least 2,000,000 people can be saved from the Axis henchmen until after the war when they can return to their native lands.

This resolution does not attempt to change the policy laid down by our immigration law. This resolution does not attempt to open the doors in violation of our basic immigration laws. This resolution simply means that the Congress of the United States, with the approval of the President, would allow admission of bona fide political and religious refugees into an area in this country which might be fixed by the War Department and permit them to remain there during the period of this war.

Mr. Speaker, there are a number of Governors and other outstanding Americans who are supporting this plan. The American Federation of Labor has gone on record, the C. I. O. and certain church groups have gone on record supporting the free port idea. Outstanding citizens of note have written to me and have placed themselves on record by calling upon Congress as well as upon the President to establish free ports, to do something now; not tomorrow; because tomorrow may be too late.

Mr. Speaker, I want to call the attention of this House to the fact that we have brought to this country today 200,000 German prisoners; 200,000 murderers that our armed forces picked up have been brought here. They are in certain camps. They get milk twice a day. They get butter. They get meat. They get cleansed and fed like decent human beings, more so than our own American people within war areas. They have everything. We have a couple of hundred Japanese in camps. Why could we not at least set aside a little area somewhere in this great country of ours for a group of people persecuted by the Nazis; for a group of people who believe in God, people who believe in democracy and who have no other hope left but their faith in us?

Mr. PATMAN. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PATMAN. I do not like to hear the gentleman say anything in criticism of our prisoners of war, for the reason that we want our prisoners treated in accordance with the terms of the Geneva Conference. Any time word gets to Japan or Germany that we do not look with favor upon carrying out that conference agreement, it is possible that they will punish our prisoners of war.

Mr. DICKSTEIN. I thank the gentleman. I have no desire nor the slightest intention to make any remarks which in any way could be construed so as to harm our boys who are prisoners abroad. Certainly a statement as to the excellent treatment given German prisoners in this

country should not make the Germans angry.

Mr. PATMAN. I understood the gentleman to say they had certain things.

Mr. DICKSTEIN. I am simply calling attention to the fact that we are treating the German prisoners interned here far too generously.

Mr. PATMAN. Certainly. According to the Geneva Conference, we should do that. I hope the gentleman does not criticize it, because it might cause some of our boys to be unduly punished.

Mr. DICKSTEIN. They are punishing our boys and killing them by having them lynched by the populace. The papers carried the story only a few days ago. The Red Cross cannot get to them. Our boys are not treated according to the agreement of the Geneva Conference. Nevertheless, their soldiers who are in this country are treated in accordance with that policy as the gentleman has pointed out. If I have stated anything to the contrary, I will correct it.

Mr. PATMAN. As much as we might dislike certain prisoners of war, for the sake of our own brave men who are prisoners of the Japanese and Germans at this time, we should not do anything that might heap punishment upon them.

Mr. DICKSTEIN. The point I wanted to convey to the House was that we have prisoners of war in this country. We have brought them here. They are in certain restricted areas. We are taking care of them like human beings. We are treating them probably better than our own boys are being treated. There is no harm in that. But what harm could there be, I want to ask my distinguished friend from Texas, in setting aside a certain area as free ports, to allow political and religious refugees to stay here, and without cost to the United States, until after the war, and then let them return to their native countries? Why can we not treat our friends at least as well as our enemies?

Mr. PATMAN. I am not familiar with the gentleman's proposal, and I do not propose to discuss it, because I do not know about it. But I think the gentleman is making a mistake by boosting his proposal by comparing it with the treatment of prisoners of war. That must stand on its own bottom. The reason we treat prisoners of war as we do is in the hope that it will be reciprocated, and they will treat our boys who are prisoners in the proper way. I do not think the gentleman can help his cause any.

Mr. DICKSTEIN. I join with the gentleman in what he says that we are treating these prisoners of war in the proper way. We are taking care of them. We are doing everything we can to live up to the regulations of the Geneva Conference. But I am asking the distinguished gentleman from Texas, would it not be equally fair and just, forgetting about the prisoners of war—I just used that as an illustration—to give our friends at least the same—if we do not want to make it better—treatment as we accord our enemies? What harm would there be in carrying out the program of free ports somewhere in these United States, under proper guide and protection to our country, under assurance that the people in question will not become public charges, that the American people would not have to pay one dollar taxes for their upkeep? At the same time without any cost to the country we would be doing the humanitarian and the decent thing, and set an example for other nations upon whom we have called to let in refugees and save human lives. If the gentleman does not want to answer it, that is all right.

Mr. PATMAN. I am just not familiar with the gentleman's proposition.

Mr. DICKSTEIN. The distinguished majority leader [Mr. McCORMACK] has come out for free ports. I am incorporating in the RECORD the names of many Governors of the United States, who have come out for free ports. The best citizens of the country have called upon the President to do something to alleviate the slaughter of innocent men and women who are within the influence sphere of the satellite nations under the domination of the Nazi government. In Hungary today over 1,000,000 people are doomed to die unless we can do something to take them out.

A wave of great-hearted sympathy has suddenly arisen over this land of ours. It has already touched the hearts and minds of all of us. But not all of us understand its urgency, and the necessity of doing something about it with the utmost haste. I refer to havens of refuge for the victims of German brutality who have been able to escape the Nazis' boundaries, and to those who will manage to escape before the United Nations can conquer and render impotent the Teutonic marauders.

The urgency for this is great.

Every day, as we poise for the invasion of the Germanic lair, the enemy is enslaving, brutalizing, and murdering thousands upon thousands of noncombatants. The depredations started in Poland. I need not repeat to you the reports of destruction and demoralization which the Germans inflicted there. Nor need I repeat to you how the Germans applied their science of disintegration to the other countries of Europe—to Norway and Denmark, to Belgium, Holland and France, to Czechoslovakia and Yugoslavia. Latest victims of the German drive and storm into chaos are their last collaborationists—the Hungarians and Bulgarians. The Germans are now treating their Hungarian and Bulgarian allies precisely as they treated the Poles, while there was a Poland to destroy.

For, according to Nazi tenets and conduct, all who are not Nazis must become underlings; all who are not Germans must become subhumans; all who are useless to the Nazis must be killed. If the Nazis cannot use you as a slave—either because you are too weak in muscle or too strong in character—they destroy you—first making you strip naked—children, women, men—of all your clothes which they thriftily salvage for their docile and beaten underlings. Your carcass they dump into a gully or ravine. All around the Nazi den of Europe there are thousands of those charnel pits—thousands of Golgothas whose lime- and slime-encrusted bones make that ancient little park of skulls outside Romanic Jerusalem seem by contrast a pleasant promenade for Sabbath mourning.

Some quarry of those Nazi dogs manage to escape. Others will manage before, yes, even before we can get into Europe and collar the hounds. Those refugees manage to get into Sweden, into Switzerland, into Spain and Portugal, into Turkey. Some reach the haven of the fighting United Nations—Russia, England, and a very few to the United States.

My resolution calls upon the President to establish free ports in which to harbor such refugees temporarily.

These free ports for refugees would be exactly similar to the free ports for international merchandise. Goods come to our seaports. There they are put in bond until they are reexported. They do not enter our domestic commerce. They do escape our customs duties. They do not compete with the products of our own farms and factories. They merely rest on a shelf, as it were. We merely supply the shelf, that is the warehouse, that is the free port. Such a free port is an international convenience which costs us nothing.

Why not establish free ports for refugees? They would remain interned and segregated in such areas, in such temporary havens—I repeat, temporary havens. They would never mix with our citizens. Only those would ever be permitted the freedom of the country and the acquisition of citizenship as would have gained those privileges while they were in Europe and subject to our regular consular procedure. All others would be deported to the regions of their origin or to those countries who invited them—just as soon as we bring peace and order to Europe.

Remember, that these human beings would simply be in transit—precisely like some merchandise kept in customs bond in the free-port area of Staten Island in New York Harbor.

As one early advocate of this proposal of free ports for refugees puts it:

> Can we really argue with shabby earnestness that the innocent victims of these Nazis are not entitled to equal rights with their deadly and malicious enemies? If we cannot give our friends at least the same rights we give our enemies, then a host of questions is raised, including whither are we drifting and what is wrong with our heads.
>
> The refugees could be visited by consular and other officials of their own nations in these free ports. They could be investigated, picked over, and, perhaps, in time outfitted with papers, and thus gradually raised to the lofty level of legal existence, as distinguished from the inconsequential level of mere physical existence.
>
> Meanwhile, those Americans who do not want refugees here could have the assurance that they are not legally here at all; while Americans of a more humanitarian turn of mind and heart could have the assurance that the refugees were being cared for, and this is, therefore a democratic solution, in harmony with the traditional ingenuity and resourcefulness of Anglo-Saxon lawmaking.
>
> As one looks it over it seems, also, to be a fairly repulsive solution. But that is all the refugees ask for; a repulsive solution. Can we give them less?

The response to this proposal for temporary shelter was quick and widespread.

Newspapers, magazines, national organizations, national leaders throughout the land quickly applauded, quickly approved, quickly memorialized President Roosevelt to establish such havens forthwith.

Let me read you a brief passage from an appeal to the President signed by Alfred E. Smith; Chauncey Sparks, Governor of Alabama; Sidney P. Osborn, Governor of Arizona; John C. Vivian, Governor of Colorado; Spessard L. Holland, Governor of Florida; C. A. Bottolfsen, Governor of Idaho; Henry F. Schricker, Governor of Indiana; Simeon Willis, Governor of Kentucky; Herbert R. O'Conor, Governor of Maryland; Thomas L. Bailey, Governor of Mississippi; Robert O. Blood, Governor of New Hampshire; Walter E. Edge, Governor of New Jersey; J. M. Broughton, Governor of North Carolina; John W. Bricker, Governor of Ohio; J. Howard McGrath, Governor of Rhode Island; Olin D. Johnston, Governor of South Carolina; M. Q. Sharpe, Governor of South Dakota; Matthew M. Neely, Governor of West Virginia; L. C. Hunt, Governor of Wyoming; Charles G. Dawes, former Vice President of the United States; Frank Murphy, Associate Justice of the United States Supreme Court; Robert F. Wagner, United States Senator from New York; James A. Farley, former United States Postmaster General; Owen D. Young, chairman of the General Electric Co.; Judge John P. McGorty, of Chicago, Ill.; Frank S. Hogan, district attorney of New York County; Basil O'Connor, of New York City, former law partner of President Roosevelt; Dr. Nicholas Murray Butler, president of Columbia University and co-winner of the 1931 Nobel peace prize; Dr. Irving Langmuir, of Schenectady, N. Y., winner of the 1932 Nobel prize in chemistry; Dr. Robert A. Millikan, of Pasadena, Calif., winner of the 1923 Nobel prize in physics; Dr. George R. Minot, of Brookline, Mass., co-winner of the 1934 Nobel prize in medicine; Dr. Harry Woodburn Chase, chancellor of New York University; George N. Shuster, president of Hunter College; Harry N. Wright, president of the College of the City of New York; Frank P. Graham, president of the University of North Carolina; Robert G. Sproul, president of the University of California; William P. Tolley, chancellor of Syracuse University; Raymond R. Paty, president of the University of Alabama; Homer P. Rainey, president of the University of Texas; R. B. von KleinSmid, president of the University of Southern California; the Very Reverend M. J. O'Connell, president of De Paul University; F. C. Bolton, president of Agricultural and Mechanical College of Texas; L. N. Duncan, president of Alabama Polytechnic Institute; John L. McMahon, president of Our Lady of Lake College, San Antonio, Tex.; Prof. Eugene H. Byrne, of Columbia University; Prof. Harry J. Carman, of Columbia University; Prof. Helen C. White, of the University of Wisconsin; Thomas H. McInnerney, chairman of the National Dairy Products Corporation; Dr. Samuel McCrea Cavert, general secretary, Federal Council of the Churches of Christ in America; James S. Adams, president of Standard Brands; Robert Gaylord, president of the National Association of Manufacturers; A. T. Mercier, of Chicago, Ill., president of the Southern Pacific Railroad Co.; J. C. Happenny, of Tulsa, Okla., president of the Oklahoma Power & Water Co.; P. C. Lauinger, of Tulsa, Okla., publisher; William Green, president, American Federation of Labor; James B. Carey, secretary of the Congress of Industrial Organizations; Samuel Seabury, New York; Edward Skillin, Jr., New York, editor of the Commonweal; Quentin Reynolds, war correspondent and author; William Rose Benet, New York, poet and editor; Edna St. Vincent Millay, poet; Margaret Culkin Banning, Duluth, Minn., novelist; John B. Collins, editor of the Pittsburgh Catholic; Maurice F. Donegan, former chief justice of the Supreme Court of Iowa; Martin Quigley, New York City, editor; Daniel Mahoney, Miami, Fla.; Leo Considine, Oklahoma City, Okla.; Andrew T. Healy, Miami, Fla.; Thomas F. McDonald, St. Louis, Mo., attorney; James J. Moore, New York City; Andrew F. Burke, San Francisco, Calif.; George W. Strake, Houston, Tex.:

> We endorse the idea of establishing in this country temporary havens of refuge for those who are brought out of Europe by the War Refugee Board. It is a moral obligation of the United States and other freedom-loving nations to erect temporary havens where the refugees may find sanctuary until conditions in their native lands enable them to return and take up their lives in the atmosphere of respect and decency and charity that our certain victory will create.

The New York Times editorialized:

> The plan has nothing to do with restricted immigration. It is simply a proposal to save the lives of innocent people.

The New York Herald Tribune editorialized:

> The appeal represents one more expression of American anxiety that nothing be left undone in the effort to save as many innocent people as possible from the unspeakable brutality of the Nazis.

The Chicago Sun said:

> We can hope that the Government can and will adopt the project.

The Asheville (N. C.) Citizen Times:

> Prisoners of war will not reside here after the war. It could be the same, if charity follows the counsel of wisdom for the war refugees.

The leading Catholic weekly, the Commonweal, urged:

> Suppose we put our influence, whatever determination to help the refugees we have left, back of the plan.

And that leading liberal weekly, the New Republic, had this to comment:

> The United States Government talks a lot about helping refugees from Hitler-occupied Europe; but thus far, we have done almost nothing about it. * * * Build a few concentration camps along the eastern seaboard. Put the refugees into them with the understanding that they are to see no more of America than this, and will be sent somewhere else when the war is over. At least, they would not then starve in Europe or use up precious cargo space for food on ships going to north Africa. If we refuse as a nation to do any more than this, then in the name of human decency, let us do no less.

And the national organizations:

Speaking for the National Farmers Union, of which he is president, James G. Patton pleaded with President Roosevelt:

> I am confident, Mr. President, that if the American people were acquainted with the true facts of Nazi persecution they would cry out with one voice asking that this country point the way in this proposed humanitarian task of providing temporary havens for European refugees.

President William Green, of the American Federation of Labor, also pleaded:

> I urge you, Mr. President, in my own name and in the name of the American Federation of Labor, to cause the creation of free ports in this country for refugee victims of the cruel war, now, before it is too late. Such action on your part will, I believe, clear the way for similar action in other parts of the Allied and neutral world.

And President Philip Murray of the C. I. O.:

> In behalf of the C. I. O., I endorse the plan and hope to see it implemented without delay.

And Mr. Justice Frank Murphy, speaking as chairman of the National Committee Against Persecution of the Jews:

> Surely we have not become so calloused to human suffering, so inured to brutality and bestiality that we can stand idly by and refuse to initiate this simple plan which will save thousands of human lives and in the bargain cost the taxpayers of our country not a cent.

Note, please, that these temporary havens need cost us not one cent.

Note, too, please that European Jews loom large in this sad situation simply because the Nazis—solely on account of their religion—are methodically massacreing every Jew they cannot put to hard labor or to abject prostitution; and that the Nazis are methodically working those Jews—men and women—to the very death.

But there are hundreds of thousands of other Poles and Czechs, of Scandinavians and Netherlanders, of Belgians and French, of Serbs, Croats, Albanians, and Greeks, who are also trying to escape the Nazi debasement. There are Catholics, Lutherans, and Eastern Orthodox, as well as Jews. They represent all the spectra of religious, political, and social credos which the Nazis despise and fear. It is for all these refugees that Jewish organizations—the American Jewish Congress, the American Council for Judaism, the American Ort, the Hebrew Sheltering and Immigrant Aid Society—have joined the A. F. of L., the C. I. O., the National Farmers Union, and Mr. Justice Murphy's National Committee Against Persecution of the Jews—in pleading to President Roosevelt to establish such temporary havens for refugees in this country.

How dare our War Refugee Board say to Turkish Government officials, or to Iransian officials, or to anyone else: "We would like you to let in anyone who manages to escape from the Nazis, to rest

in your territory until we can get them settled elsewhere." How dare our Refugee Board say that with a clear conscience, when we refuse refugees any temporary asylum in our own land?

Little, impoverished Portugal actually has such a reservation for refugees near Lisbon. England has one on her crowded island.

And I am sure that we here in the United States will soon have at least a token haven, a temporary haven, mind you, on our shore. Nothing less will satisfy our souls.

So, Mr. Speaker, I ask unanimous consent that I may insert in my remarks the names of a number of Americans, including certain Governors and others in support of this idea of free ports, and certain other excerpts and editorials from newspapers who are supporting House Resolution 576, at the proper place in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS SIGNED

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2928. An act to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended; and

H. R. 4464. An act to increase the debt limit of the United States.

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S. J. Res. 133. A joint resolution to extend the statute of limitation in certain cases.

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House, pursuant to its order heretofore entered, adjourned until Thursday, June 8, 1944, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., June 8, 1944, to resume public hearings on bills extending the Civilian Pilot Training Act.

SELECT COMMITTEE TO INVESTIGATE MONTGOMERY WARD & CO. SEIZURE

The Select Committee to Investigate the Seizure of Montgomery Ward & Co. will hold a public hearing Thursday, June 8, 1944, at 10 o'clock a. m., in the Ways and Means Committee hearing room, New House Office Building.

COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold hearings on Thursday, June 8, 1944, at 10 o'clock a. m., in the committee room, 247 House Office Building, on H. R. 919 and H. R. 1014, to provide pensions for peacetime veterans at the rate of 90 percent of the compensation payable to war veterans for similar service-connected disabilities, introduced by Chairman LESINSKI, and H. R. 1005, entitled "A bill to increase and equalize the pensions of those persons disabled as the result of service in the Army, Navy, Marine Corps, and Coast Guard," introduced by Representative HENDRICKS, of Florida.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will continue its consideration of H. R. 4486, relative to the post-war disposition of merchant vessels, on Tuesday, June 13, 1944, at 10 a. m.

Persons desiring to be heard should notify the clerk of the committee in writing as soon as possible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2, of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1616. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1944, submitting a report, together with accompanying papers and illustrations, on a review of reports on Ouachita River and tributaries, Arkansas and Louisiana, with a view to determining the advisability of undertaking the construction of the Blakely Mountain Dam as a Federal flood-control project, requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on May 12, 1941 (H. Doc. No. 647); to the Committee on Flood Control and ordered to be printed, with three illustrations.

1617. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 2, 1942, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Little Colorado River and its tributaries upstream from the boundary of the Navajo Indian Reservation in Arizona, authorized by the Flood Control Act approved on August 28, 1937 (H. Doc. No. 648); to the Committee on Flood Control and ordered to be printed, with one illustration.

1618. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 10, 1944, submitting an interim report, together with accompanying papers and illustrations, on a preliminary examination and survey of Sacramento River and tributaries, California, from Collinsville to Shasta Dam, including the American, Feather, Yuba, and Bear Rivers, and the Yolo bypass, made under the provisions of the Flood Control Act approved on June 22, 1936, and requested by a resolution of the Committee on Commerce, United States Senate, adopted on May 19, 1936 (H. Doc. No. 649); to the Committee on Flood Control and ordered to be printed, with three illustrations.

1619. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 22, 1944, submitting a report, together with accompanying papers and illustrations, on a review of reports on and survey of the Roanoke River, Va. and N. C., and Smith River and its tributaries, Va. and N. C., requested by resolutions of the Committee on Flood Control, House of Representatives, adopted on August 28, 1940, the Committee on Rivers and Harbors, House of Representatives, adopted on January 26, 1942, and authorized by the Flood Control Acts approved on June 22, 1936, and June 28, 1938 (H. Doc. No. 650); to the Committee on Flood Control and ordered to be printed, with five illustrations.

1620. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 13, 1943, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Des Moines River, Iowa, with particular reference to the construction of a dam at or near Madrid, authorized by the River and Harbor Act approved on June 20, 1938 (H. Doc. No. 651); to the Committee on Rivers and Harbors and order to be printed, with two illustrations.

1621. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 23, 1944, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of the Yadkin-Pee Dee River and its tributaries, North Carolina and South Carolina, including Rocky River (Love's Ford and Crump's Ford) and Wilkesboro Dam, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on April 1, 1937, and a resolution of the Committee on Commerce, United States Senate, adopted on November 1, 1938, and authorized by section 7 of the Flood Control Act approved on June 22, 1936 (H Doc. No. 652); to the Committee on Rivers and Harbors and ordered to be printed, with two illustrations.

1622. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation of the emergency fund for the President (H. Doc. No. 653); to the Committee on Appropriations and ordered to be printed.

1623. A letter from E. G. Allen, rear admiral, United States Navy, Director of Budget and Reports, transmitting a report showing the name, age, legal residence, rank, branch of service, with special qualifications therefor, of each person commissioned from civilian life into the Coast Guard Reserve, and in the Marine Corps Reserve, during the period April 1, 1944, to May 31, 1944, who have not had prior commissioned military service, and in the United States Naval Reserve for the period March 28, 1944, to May 29, 1944, inclusive; to the Committee on Naval Affairs.

1624. A letter from the War Food Administrator, transmitting a draft of a proposed bill for the relief of Mrs. Gladys Stout; to the Committee on Claims.

1625. A letter from the Attorney General, transmitting a draft of a proposed bill to amend Public, No. 507, Seventy-seventh Congress, second session, an act to further expedite the prosecution of the war, approved March 27, 1942, known as the Second War Powers Act, 1942; to the Committee on the Judiciary.

1626. A communication from the President of the United States, transmitting drafts of proposed provisions affecting naval appropriations for the fiscal years 1942 and 1945 (H. Doc. No. 654); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SNYDER: Committee on Appropriations. H. R. 4967. A bill making appropriations for the Military Establishment for the fiscal year ending June 30, 1945, and for other purposes; without amendment (Rept. No.

1606). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 1748. An act to amend the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, as amended, to continue it in effect; without amendment (Rept. No. 1613). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 1749. An act to amend section 3 of the act entitled "An act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, as amended, to continue it in effect; without amendment (Rept. No. 1614). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1607. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1608. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1609. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1610. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 1611. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 4968. A bill to amend section 511 (c) of the Merchant Marine Act of 1936, as amended, relative to deposit of vessel proceeds received from the United States in certain cases, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. RANDOLPH:

H. R. 4969. A bill to amend the Mustering-Out Payment Act of 1944 so as to provide mustering-out payments to certain persons discharged or relieved from active service in the armed forces to accept employment; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 4970. A bill to provide additional pay for enlisted men of the Army assigned to the infantry who are awarded the expert infantryman badge or the combat infantryman badge; to the Committee on Military Affairs.

By Mr. SATTERFIELD:

H. R. 4971. A bill to amend an act entitled "An act authorizing the temporary appointment or advancement of certain personnel of the Navy and Marine Corps, and for other purposes," approved July 24, 1941, as amended, and for other purposes; to the Committee on Naval Affairs.

By Mr. MAY:

H. J. Res. 293. Joint resolution to provide for the establishment, management, and perpetuation of the Kermit Roosevelt fund; to the Committee on Military Affairs.

By Mr. PFEIFER:

H. J. Res. 294. Joint resolution creating a commission to explore means of securing an agreement between the United States and Japan for the exchange of wounded prisoners of war; to the Committee on Foreign Affairs.

By Mr. ROWAN:

H. Res. 583. Resolution to provide for the temporary admission of political or religious refugees of continental Europe into areas within the United States to be known as free ports for refugees; to the Committee on Immigration and Naturalization.

By Mr. MARCANTONIO:

H. Res. 584. Resolution to provide for the temporary admission of political or religious refugees of continental Europe into areas within the United States to be known as free ports for refugees; to the Committee on Immigration and Naturalization.

By Mr. SCANLON:

H. Res. 585. Resolution to provide for the temporary admission of political or religious refugees of continental Europe into areas within the United States to be known as free ports for refugees; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADLEY of Pennsylvania:

H. R. 4972. A bill for the relief of Morris Fine; to the Committee on Claims.

By Mr. BALDWIN of New York:

H. R. 4973. A bill for the relief of Chandler Cobb; to the Committee on War Claims.

By Mr. CURTIS:

H. R. 4974. A bill for the relief of Mrs. Dorothy Stowell; to the Committee on Claims.

By Mr. EBERHARTER:

H. R. 4975. A bill for the relief of Gorgios Nicolaou Perivolaris (also known as George N. Perivolaris); to the Committee on Immigration and Naturalization.

By Mr. HINSHAW:

H. R. 4976. A bill for the relief of Mrs. Ruth C. Stone; to the Committee on Claims.

By Mr. MANASCO:

H. R. 4977. A bill for the relief of Mrs. John W. Boshell; to the Committee on Claims.

By Mr. SMITH of Virginia:

H. R. 4978. A bill for the relief of Leonard D. Jackson and Elsie Fowkes Jackson; to the Committee on Claims.

SENATE

THURSDAY, JUNE 8, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Hunter M. Lewis, B. D., assistant minister, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, our Heavenly Father, who in times past didst lead our forefathers from lands of oppression, opening before them in the wilderness a new land which by Thy gracious providence has become great among the nations of the world: We beseech thee to continue to us the vision that thou didst reveal to them of a land of freedom and justice and brotherhood. Bless all those to whom Thou hast committed the government of our Nation and of every nation allied with us in the cause of freedom from oppression. Be with all who go forth in the defense of our country and in the cause of humanity, especially those who are pressing forward in the liberation of Europe. Sustain them wherever they may serve, on land, sea, or in the air. Heal the wounded, restore the sick, comfort the prisoners, and receive the dying into Thine eternal safekeeping.

We give thee thanks, O God, for the goodly heritage that Thou has given to us in those who have sacrificed their lives in the cause of human liberation, and we pray that, following their examples of courage, endurance and steadfastness, we may serve Thee well in our turn, holding high the ideals for which they have died, and leaving to those who come after us an inheritance uncorrupted by tyranny and undefiled by fear, that our heroes may not have laid down their lives in vain. We ask it in the Name and for the sake of Him who died for our eternal freedom. Thy Son, Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., June 8, 1944.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BENNETT C. CLARK, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. CLARK of Missouri thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. THOMAS of Utah, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 7, 1944, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	Murray
Austin	Gerry	Nye
Ball	Gillette	O'Daniel
Bankhead	Green	Overton
Barkley	Guffey	Radcliffe
Bilbo	Gurney	Reed
Brewster	Hatch	Revercomb
Bridges	Hawkes	Reynolds
Buck	Hayden	Robertson
Burton	Hill	Russell
Bushfield	Holman	Shipstead
Butler	Jackson	Stewart
Byrd	Johnson, Colo.	Taft
Capper	Kilgore	Thomas, Idaho
Caraway	La Follette	Thomas, Okla.
Chandler	Lucas	Thomas, Utah
Chavez	McClellan	Tobey
Clark, Mo.	McFarland	Truman
Connally	McKellar	Tunnell
Cordon	Maloney	Vandenberg
Davis	Maybank	Wagner
Downey	Mead	Wallgren
Eastland	Millikin	Walsh, Mass.
Ellender	Moore	Walsh, N. J.
Ferguson	Murdock	Weeks